

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

LAURA BRAXTON,

Complainant,

VS .

No. 06-0023

PEOPLES GAS LIGHT AND COKE  
COMPANY,

Respondent.

Complaint as to  
billing/charges in Chicago,  
Illinois

Chicago, Illinois  
November 9th, 2006

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MS. EVE MORAN, Administrative Law Judge

1 APPEARANCES:

2 HOWARD & HOWARD, by  
3 MR. WILLIAM M. SHAY  
4 211 Fulton Street, Suite 600  
5 Peoria, Illinois 61602  
6 (309) 999-6309  
7 for Complainant;

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21 MR. MARK L. GOLDSTEIN  
22 108 Wilmot Road, Suite 330  
Deerfield, Illinois  
(847) 586-5480  
for the Respondent.

21 SULLIVAN REPORTING COMPANY, by  
22 Amy M. Aust, CSR  
License No. 084-004559

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
Laura Braxton	127/228				
Sheila Braxton	129	145			148/230
Zenetra Weatherall	151/156	166	216/224		155/192/222
Betty Jean Daniels	201				205

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
1 through 5	119	208

1 (Whereupon, Respondent's  
2 Deposition Exhibit Nos. 1  
3 through 5 were marked for  
4 identification, as of this  
5 date.)

6 JUDGE MORAN: Pursuant to the direction of the  
7 Illinois Commerce Commission, I call Docket 06-0023.  
8 This is Laura Braxton, Complainant, versus Peoples  
9 Gas Light and Coke Company. It is a complaint as to  
10 billing, slash, charges in Chicago, Illinois.

11 May I have the appearances for the  
12 record, please.

13 MR. SHAY: For the Complainant, William M.  
14 Shay of the firm of Howard & Howard. One Technology  
15 Plaza, Suite 600, 211 Fulton Street, Peoria, Illinois  
16 61602. Phone number, (309) 999-6308.

17 MR. GOLDSTEIN: On behalf of Peoples Gas Light  
18 and Coke Company, Mark L. Goldstein. 108 Wilmot  
19 Road, Suite 330, Deerfield, Illinois 60015. And my  
20 telephone number is (847) 580-5480.

21 JUDGE MORAN: Okay. And, as I understand it,  
22 Mr. Shay, this is the first time you're coming in on

1     this case?

2             MR. SHAY:   Yes.

3             JUDGE MORAN:   Okay.   And you're prepared to

4     proceed today?

5             MR. SHAY:   Yes.

6             JUDGE MORAN:   And have you had an opportunity

7     to discuss the matter with Mr. Goldstein.

8             MR. SHAY:   Yes.   And what we discussed, Judge,

9     is that -- is attempting to stipulate to certain

10    facts that I can -- I'd be happy to recite to -- and

11    then Respondent can agree to stipulate to those facts

12    or not, but they are facts that are reflected, but

13    not yet entered into evidence in the prior record in

14    this proceeding.

15            JUDGE MORAN:   Okay.   That's fine.

16            MR. SHAY:   From statements that were made and

17    appear in the transcript.

18            JUDGE MORAN:   Mm-hmm.

19            MR. SHAY:   Okay.   And I'd be happy to do that

20    at this time, if you'd like.

21            JUDGE MORAN:   You are certainly welcome to do

22    that stipulation right now.

1           MR. SHAY:   Okay.   Okay.   We would propose for  
2   stipulation to be entered as evidence in the record  
3   certain information that was stated at the hearing on  
4   June 5th, 2006.   Specifically, statements made by  
5   Mr. Riordan, R-i-o-r-d-a-n, who is an employee of the  
6   Respondent in this case.

7                       And there he is.   Good morning.

8           MR. RIORDAN:   Good morning.

9           MR. SHAY:   These statements pertain to a period  
10   of time during 2004 and the billings for gas utility  
11   service from the Respondent during that time period.

12                      More specifically, that on February of  
13   2004 there was an actual reading of the meter at the  
14   Complainant's facility.   And then every month's  
15   billing subsequent to that day up until December of  
16   2004, the billings were based on estimated reads, and  
17   that in December of 2004, the next actual read was  
18   made and the bill based on that actual read.

19                      That December 2004's total bill was  
20   \$8,260.34.   And of that amount, \$6,196.14 represented  
21   a so-called balloon bill or balloon usage, which  
22   means that it was in the nature of a makeup bill

1 relating to prior months since the last actual read  
2 in February of 2004 and represented usage that was  
3 not estimated and billed for in those intervening  
4 months between the two actual read dates.

5 That ends what I would offer for  
6 consideration to be stipulated to.

7 MR. GOLDSTEIN: And we will stipulate to that.

8 JUDGE MORAN: Okay. The stipulation is of  
9 record, and certainly can be entered in this case.

10 MR. SHAY: Okay. Next, as I understand it, we  
11 don't have any other evidence in the record as such  
12 in this case; is that correct?

13 MR. GOLDSTEIN: Well, we were --

14 JUDGE MORAN: What do you mean by "evidence,"  
15 Mr. Shay?

16 MR. SHAY: In the nature of sworn testimony and  
17 exhibits.

18 JUDGE MORAN: I -- are you talking for the --  
19 on behalf of the Complainant --

20 MR. SHAY: Yes.

21 JUDGE MORAN: -- or on behalf of the  
22 Respondent?

1           MR. SHAY:  Yes.  I understand that you swore  
2  them --

3           JUDGE MORAN:  Yes.

4           MR. SHAY:  -- swore certain witnesses in --

5           JUDGE MORAN:  Mm-hmm.

6           MR. SHAY:  -- and provide -- have them provide  
7  some background information, but I was trying to  
8  determine where we should start today.

9           MR. GOLDSTEIN:  I think that Mr. Shay and I  
10  have stipulated that Mr. Shay would call  
11  Ms. Weatherall as an adverse witness.

12          MR. SHAY:  That was in the next case.

13          MR. GOLDSTEIN:  Oh, I thought that was in this  
14  case.

15          MR. SHAY:  Sorry.  So if you want the witnesses  
16  sworn...

17          JUDGE MORAN:  As I see it, I questioned the  
18  Complainant witnesses and, I believe, it was  
19  June 5th, 2006.

20          MR. SHAY:  Yes.

21          JUDGE MORAN:  At that time, they were not  
22  represented by counsel -- the Complainant was not

1 represented by counsel. You certainly have the right  
2 to put on testimony from your clients.

3 MR. SHAY: And maybe just to --

4 JUDGE MORAN: I also don't think that -- and I  
5 don't recall -- and you probably know better than me  
6 because I'm sure you read the transcript -- whether,  
7 in fact, Peoples Gas cross-examined Complainant or  
8 any of the Complainant's witnesses. I do not think  
9 so.

10 MR. SHAY: I don't think so, either.

11 JUDGE MORAN: I think a motion was raised at  
12 that time and that kind of threw everything off.

13 MR. GOLDSTEIN: Well, for the record, in order  
14 to expedite the matter, you know, I -- Mr. Shay is  
15 perfectly free to ask any other clarifying questions  
16 he would like.

17 MR. SHAY: Mm-hmm.

18 MR. GOLDSTEIN: As far as I'm concerned, I did  
19 ask questions of both Laura and Sheila Braxton, and  
20 if we could stipulate that the parties were under  
21 oath at the time and that their testimony -- if they  
22 were to answer the same answer to the same questions

1     and -- have the same questions and have the answers  
2     propounded to them today, their answers would be the  
3     same, then I think that would expedite it.

4                     As I said, if Mr. Shay wishes to ask  
5     additional questions, I have no objection.

6             MR. SHAY:   Okay.  I think there are probably a  
7     few additional questions just to be safe that I  
8     should ask.

9             JUDGE MORAN:  Okay.  So, in other words, I  
10    guess what Mr. Goldstein is saying, you don't have a  
11    problem with the record as it is --

12            MR. SHAY:   Yeah.

13            JUDGE MORAN:  -- thus far?

14            MR. SHAY:   I have no problem.

15            JUDGE MORAN:  Okay.  So that's still the  
16    record.  And there -- and...

17            MR. GOLDSTEIN:  All I'm saying is that the  
18    record should be treated as if the witnesses were  
19    under oath when they made the responses that they  
20    did.

21            JUDGE MORAN:  I believe that I did swear --

22            MR. SHAY:   Yes.

1           JUDGE MORAN:  -- the witnesses in.  That's why  
2   I'm wondering why you're raising the old question.  I  
3   believe I did.

4           MR. GOLDSTEIN:  Mr. Shay can certainly ask  
5   additional questions.

6           JUDGE MORAN:  And if not, we can clear that up  
7   later; but, certainly, yes, let's proceed on this.

8                       And if it will make you feel better, I  
9   will swear everybody in again today.  How about that?

10          MR. GOLDSTEIN:  Yeah, because you have to swear  
11   Ms. Weatherall anyway because she did not testify  
12   last time.

13          JUDGE MORAN:  Okay.  Anybody that's going to  
14   give testimony today, please raise your right hand.

15                               (Witnesses sworn.)

16          JUDGE MORAN:  Thank you.

17                       And please proceed, Mr. Shay.

18          MR. SHAY:  First I'd like to call Ms. Laura  
19   Braxton.

20

21

22

1                               LAURA BRAXTON,  
2       called as a witness herein, having been first duly  
3       sworn, was examined and testified as follows:  
4                               DIRECT EXAMINATION  
5                               BY  
6                               MR. SHAY:  
7               Q     Ms. Braxton, good morning.  
8               A     Good morning.  
9               Q     Are you familiar with the complaint that's  
10      been filed in this case?  
11              A     Yes, I am.  
12              Q     And what is your relationship to the  
13      Complainant?  
14              A     I'm the CEO of A Little Bit of Heaven.  
15              Q     And how long have you held that position?  
16              A     Since 1999.  
17              Q     And could you just explain briefly what A  
18      Little Bit of Heaven is and what its business is.  
19              A     A Little Bit of Heaven is a homeless  
20      shelter for men and women. And we provide food,  
21      clothing, overnight stay. It's a city shelter.  
22              Q     Okay. What are your hours of operation?

1           A     We operate from 8:00 o'clock in the evening  
2     until 7:00 or 7:30 in the morning, depending on the  
3     weather.

4           Q     Okay. How much time do you normally spend  
5     at A Little Bit of Heaven?

6           A     I'm usually there eight hours a day.

7           Q     Okay. Would that be in the --

8           A     In the morning I start at 7:00 and I'm off  
9     at 3:00.

10          Q     Okay. And what, generally, are -- do you  
11     do and what are your responsibilities?

12          A     Well, I make sure that everybody gets --  
13     gets a meal and they're properly dressed and then  
14     they leave.

15          Q     Okay.

16          MR. SHAY: Okay. Judge, I have some other  
17     further direct questions for Sheila Braxton, who is  
18     also here today.

19          JUDGE MORAN: Okay.

20          MR. SHAY: I'd like to reserve the right to  
21     recall Laura Braxton if necessary, but those are all  
22     the questions I have for her at this time.

1 JUDGE MORAN: Okay. Is there anything -- any  
2 cross you have on that?

3 MR. GOLDSTEIN: No cross-examination.

4 JUDGE MORAN: Fine.

5 Then please proceed, Mr. Shay.

6 SHEILA BRAXTON,  
7 called as a witness herein, having been first duly  
8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY

11 MR. SHAY:

12 Q Good morning, Ms. Braxton.

13 A Good morning.

14 Q Please state your name for the record.

15 A Sheila Braxton.

16 Q Okay. And what is your relationship to A  
17 Little Bit of Heaven?

18 A I'm the executive director.

19 Q And how long have you been in that  
20 position?

21 A Since 2000.

22 Q What are your duties and responsibilities

1 in that position?

2 A Well, I -- I'm the person that does the  
3 intake on every client that enters. I'm the person  
4 that faxes over documentation to the City as to how  
5 many persons were housed. I'm the person that fills  
6 out the daily activity of breakfasts and dinners,  
7 numbers, names, et cetera, to the City of Chicago.

8 Q Mm-hmm.

9 A I'm the person that picks up the donations  
10 and I'm the person that moves around a lot. I'm the  
11 person that inspects the facility. I'm the person  
12 that gathers all of the bills and take them to the  
13 CEO for approval. And I'm the person everybody talks  
14 to.

15 Q Are you in charge of the equipment,  
16 including the equipment facilities that consume or  
17 utilize public utility services?

18 A Yes, I am.

19 Q Would those equipment facilities include  
20 natural gas-using facilities and equipment?

21 A Yes, sir.

22 Q Could you generally describe what equipment

1 facilities that are located in the facility -- at A  
2 Little Bit of Heaven that utilize natural gas.

3 A We have a two-oven six-burner commercial  
4 stove. We have a two-basket deep fryer; this is  
5 housed in the kitchen. We have a hot water tank that  
6 is connected to a very large boiler. And I don't  
7 have the dimensions right now.

8 And those are the appliances that we  
9 use for gas.

10 Q What -- how -- what is the role of that  
11 boiler that you referred to?

12 A To provide heat and hot water.

13 Q Would this be steamed heat?

14 A Yes, sir.

15 Q Does the facility have radiators for heat?

16 A Yes, sir, on every floor.

17 Q Okay. Could you just generally describe  
18 the layout of A Little Bit of Heaven so we could get  
19 a better picture of the size and what all is there.

20 A Okay. A Little Bit of Heaven is a  
21 four-story commercial building and the main floor  
22 being an English basement. So it's like a

1       downstairs; it's not an upstairs building.

2                       On that first floor, you have four  
3       offices, a cafeteria, a kitchen, and a community  
4       living room, if you will.

5                       On the floors upstairs, you have  
6       nothing but two bathrooms and ten bedrooms that only  
7       have beds, some televisions, dressers, two closets,  
8       and that's it.

9                       We have three exits on every floor: A  
10      fire escape, a center stairwell and a back stairwell.  
11      We have one floor that is our laundry floor, and that  
12      equipment is electric; an electric washer and an  
13      electric dryer.

14            Q       Do you have an idea approximately of how  
15      many square feet are on each floor?

16            A       I would say -- ten rooms, 12 by 12 -- so  
17      about 18 square footage of each floor.

18            Q       1800?

19            A       Mm-hmm. I'm sorry. 1800.

20            Q       And would that equate to or total to  
21      approximately 7,200 square feet total, if that math  
22      is right?

1           A     Approximately.

2           Q     Okay.

3           A     Okay.

4           Q     Can you tell us a little bit more about the  
5     hot water tank and boiler and the heating system and  
6     the history of operation and maintenance of that.

7           A     Well, every year the boiler is shut down.  
8     And the reason being, at the end of the winter  
9     season, because it's operated by a thermal coupling  
10    that provides gas, that provides the usage of that  
11    hot water boiler, it's cleaned and it's started and  
12    it's done by a licensed and bonded furnace company  
13    personnel.

14          Q     About -- you said it's shut down at the end  
15    of the winter heating season, about what date  
16    typically would that be?

17          A     We usually turn it off about -- in the  
18    month of April. I can't just give you a designated  
19    date. It really depends on the weather.

20          Q     Mm-hmm.

21          A     But the weather starts to get better around  
22    April. Sometimes we have to keep it longer, if

1     necessary; but between April and May, the furnace is  
2     shut down.

3             Q     And when is it restarted, normally?

4             A     October.

5             Q     Okay. Was there anything else concerning  
6     this boiler that you'd like to share with the judge  
7     and the Respondent about the time of late 2003, early  
8     2004?

9             A     Yes, sir.

10                   A Little Bit of Heaven in 1999  
11     purchased the said property, 11321 South Wentworth,  
12     with numerous problems. The building was purchased  
13     from CARC, Chicago Retarded Association (sic). And  
14     we had a cracked boiler. We had a cracked and busted  
15     sprinkler system. And we had stolen copper tubing  
16     from the facility from the outside of the building  
17     that ComEd provides electricity.

18                   We were told at that time that it was  
19     not ComEd's problem, that we had to hire an  
20     electrician to provide that copper tubing back to  
21     provide power back to that facility.

22                   And, in my assumption, because that

1 wiring was gone, everything busted because it wasn't  
2 properly maintained.

3 I hadn't said this before, but it just  
4 come to my mind that we even went to court with the  
5 City of Chicago because we did not have heat. And we  
6 were told that if we did not get that sprinkler  
7 system repaired, that we would be in very serious  
8 trouble housing people without adequate safety in  
9 place. And we had some supporting churches that  
10 helped us to do the sprinkler system because that was  
11 first and foremost mandatory by a judge in the  
12 Circuit Court.

13 After that, we sought to have the  
14 boiler repaired. And we were getting outrageous  
15 quotes and we couldn't afford that, so Ms. Braxton  
16 decided that we would implement a secondary heating  
17 source, which were electric furnaces housed in every  
18 butler's closet on the above three floors. Ductwork  
19 was done and we had a licensed and bonded contractor  
20 to install those furnaces.

21 Q About when did that happen?

22 A 2001.

1           Q     All right.  Then let's focus on the latter  
2     part of 2003, early 2004.  And tell us what happened  
3     with your electric -- heating system and your gas  
4     boiler.

5           A     Well, we have a log -- a manual that you  
6     have to sign.  We have sign-in sheets at the door for  
7     every person that's entered the facility.  And we  
8     also have a logbook that everyone that does any  
9     services there has to sign and date who they are and  
10    what time they were there.

11                     And in December, the boiler was  
12    repaired or began to be repaired in December of '03.  
13    And in January of '04, the boiler was back in  
14    operation and working.

15           Q     Has it been in operation since that date?

16           A     Yes, it has.

17           Q     Is it, as far as you know, in good working  
18    order?

19           A     Yes, it is.

20           Q     Ms. Braxton, how is A Little Bit of Heaven  
21    funded?  How does it meet its operating expenses?

22           A     A Little Bit of Heaven is funded through

1 Inner Voice, Incorporated, which is an agency that  
2 operates an emergency housing network for the City of  
3 Chicago.

4 Q Okay. And does Inner Voice provide all of  
5 your funding?

6 A Yes, through the City of Chicago.

7 Q Ms. Braxton, where is the gas meter for  
8 A Little Bit of Heaven located in the facility?

9 A Downstairs. I guess you could say in  
10 proximity of the boiler. The boiler sits to your  
11 left and the meter sits to your right.

12 Q Okay.

13 A Or vice versa, depending on how you're  
14 standing.

15 Q Is it readily accessible to anyone who  
16 would want to inspect it, read it, or for any other  
17 reason?

18 A Oh, yes.

19 Q If public utility personnel come to your  
20 facility to gain access to read the meter, what is  
21 your policy about letting them in to read it?

22 A They are permitted to enter the facility.

1     Myself, I've been very instrumental in making sure  
2     that I escort Peoples Gas personnel and ComEd  
3     personally.

4           Q     Okay. Have -- to your knowledge, has a  
5     utility meter reader or other service person ever  
6     been denied entrance to the facility in order to do  
7     their job, including reading a meter?

8           A     Yes, sir.

9           Q     They have been denied?

10          A     Yes, sir.

11          Q     Okay.

12          A     They weren't denied entry. I'm sorry.  
13     They weren't denied. They didn't have access to the  
14     boiler room because the engineer was out to lunch and  
15     had the key --

16          Q     Okay.

17          A     -- and they were asked to wait for him to  
18     return or to come back on that route and he never  
19     did.

20          Q     When did that occur? What period of time?

21          A     2004, if I'm correct.

22          Q     Okay.

1           A     No?  It was in 2005.

2           Q     Sometime during 2005?

3           A     Yes, sir.

4           Q     Is that -- are there any other times that a

5     Peoples Gas meter reader was not immediately allowed

6     access or entry to the building for purposes of

7     reading the meter?

8           A     Not to my knowledge.

9           Q     And, again, the one time that you just

10    mentioned --

11          A     Mm-hmm.

12          Q     -- in 2005 --

13          A     Mm-hmm.

14          Q     -- when there was a delay in admittance --

15          A     Mm-hmm.

16          Q     -- can you state again the circumstances of

17    that and what was --

18          A     There was only a delay -- he was -- he had

19    permission to enter the facility, but where the

20    boiler and meter are housed, it's housed behind a

21    locked door.  And the engineer had left with the keys

22    and he wasn't present when he came.  And so he was

1     just asked to either wait a few moments or come back,  
2     but he didn't.

3           Q     He left and did not come back?

4           A     He did not return.

5           Q     Okay.  Ms. Braxton, how -- what is your  
6     schedule at the facility as far as when you're there  
7     normally, if there is such a thing as normally?

8           A     I get up at 5:00 to ensure that everybody  
9     is up.  We have responsibilities, rules and  
10    regulations that the clientele has to adhere to.  So  
11    I'm up to ensure that there's no friction and  
12    confusion and everybody is flowing and things are  
13    working as accord -- according to the rules and  
14    regulations.  The clients come down at 6:30, they  
15    have breakfast, and they leave at 7:00.

16          Q     Okay.  When you say you get up, you get up  
17    there --

18          A     Yes, sir.  I am --

19          Q     You live at the facility?

20          A     I live at A Little Bit of Heaven.

21          Q     Okay.  How about later in the day?

22          A     I'm not clear.

1           Q     As far as your schedule and what you do and  
2     where you are.

3           A     Well, once I'm done doing my daily  
4     routines, my work is still never done because our job  
5     consists of people. So I have people constantly  
6     ringing the bell to ask about housing, to ask how  
7     they can qualify to get in, to ask if I've got  
8     clothes, to ask if -- whatever their needs are. You  
9     know, people are there constantly. The front door is  
10    locked at 5:00 o'clock; however, people still ring  
11    the bell looking for services, people looking to  
12    place their family members there, patrol officers  
13    coming by to check on persons that are released to  
14    that address. And then the City is able to come  
15    24 hours. So at any given time they may come and  
16    want information, documentation. Inner Voice is also  
17    able to come at any time. And they do have night  
18    personnel. So they're able to -- I have the  
19    Department of Human Services that comes and brings  
20    clientele, the fire department, the police  
21    department, and any other emergency situation --

22           Q     Mm-hmm.

1           A     -- at any point of the day or night.

2                     Human services may pick up someone on  
3     Wacker and bring them to me at 6:00. They may bring  
4     them at 9:00. They may bring them at 12:00. They  
5     may bring them at 3:00.

6                     So it's a 24-hour operation. And I  
7     have volunteer staff to help me. I don't do all this  
8     by myself, but I am the personnel that's there to  
9     ensure that everything is done and everybody is  
10    protected.

11           Q     Okay. About how many occupants or clients  
12    does A Little Bit of Heaven have on average?

13           A     55 to 60, depending on the weather. I'm a  
14    cooling center in the winter -- in the summer and I'm  
15    a warming center in the winter. So if the City calls  
16    and says, We've got, you know, two adults that need  
17    to be placed there to stay warm and -- I have to  
18    accommodate that.

19           Q     Okay. Does the heating system, space  
20    heating system, run for the whole facility or not, or  
21    is it able to be zoned or divided?

22           A     It is zoned.

1           Q     Okay. Could you explain how that works.

2           A     Well, when the shelter program let's out at  
3     7:00, that -- every floor is housed with its own  
4     thermostat. So that thermostat goes down just to  
5     ensure that the pipes don't freeze and burst, but it  
6     is not heated, per se.

7                     When the clientele is there, it's  
8     never heated above 68 degrees anyway. The heat is  
9     not good for a population of people. It, you know,  
10    spreads a lot of germs, TB. You know, we've had a  
11    lot of epidemics with that in shelters. So, you  
12    know, proper ventilation as well.

13                    So we don't ever have it like some  
14    people have it at home, 80 degrees. That's too hot.

15           Q     Okay. When you're absent, when you leave  
16    the A Little Bit of Heaven during the day for  
17    whatever reason, who is left there and in charge?

18           A     My chief of security, Danny Johnson. And I  
19    have a family member, a sister, Linda Lanfare  
20    (phonetic). I have a secretary, Shanita Reed.

21           Q     Okay. Are any or all of these people you  
22    just mentioned authorized to allow appropriate

1 visitors access to the building, including meter  
2 readers?

3 A Danny Johnson would be the only other  
4 person outside of the A Little Bit of Heaven  
5 administration, which would be Ms. Braxton or Kevin  
6 Braxton or myself.

7 Q Okay. And who's Kevin Braxton?

8 A Kevin Braxton is Ms. Braxton's son and my  
9 brother.

10 Q Does he also work at the facility?

11 A Yes, he does.

12 MR. SHAY: Could I have just a moment?

13 JUDGE MORAN: Sure.

14 (Whereupon, a discussion was had  
15 off the record.)

16 MR. SHAY: That's all the direct questioning I  
17 have at this time for Ms. Sheila Braxton and would  
18 offer her up for cross-examination.

19 JUDGE MORAN: Okay.

20 MR. GOLDSTEIN: I have just a few questions,  
21 Judge.

22 JUDGE MORAN: Sure. Mm-hmm.

1 CROSS-EXAMINATION

2 BY

3 MR. GOLDSTEIN:

4 Q Good morning, Ms. Braxton, almost  
5 afternoon.

6 A Good morning, Attorney Goldstein.

7 Q As I understand the facility, there are  
8 four floors, a main floor and three floors above it?

9 A You're correct.

10 Q And the meter is located in a basement or  
11 subbasement below the main floor; is that right?

12 A Yes, sir.

13 Q Okay. And are there times when you go down  
14 to the basement to read the gas and electric meters?

15 A Yes, sir.

16 Q Okay. And you noticed that the little  
17 dials are turning on the gas meter --

18 A Yes, sir.

19 Q -- when you go down there?

20 Okay. Now, exactly how many rooms are  
21 there for your clientele?

22 A There's ten rooms on each floor, the three

1 floors that are housed. Ten sleeping quarters on  
2 each floor.

3 Q So there is a total of 30 sleeping  
4 quarters?

5 A Yes, sir.

6 Q Okay. And the lot that the building is on,  
7 the 11321 South Wentworth, that's not a normal 25  
8 lot -- 125-foot city lot, is it?

9 A No.

10 Q How large a lot is it that the building's  
11 on?

12 A Well, the building itself, in all fairness,  
13 I cannot give you a measurement of the outside, but  
14 it -- it's connected to a parking lot. So the  
15 building sits on so much of the property, but the  
16 rest of the property is a lot, fenced in and secured.

17 Q Okay. Other than yourself, who else lives  
18 there permanently?

19 A Danny Johnson, Linda Lanfare. And that's  
20 it on that list --

21 Q Okay. And --

22 A -- and myself.

1           Q     And do you and those other two individuals  
2     you named, Danny Johnson and Linda Lanfare --  
3           A     Mm-hmm.  
4           Q     -- do they -- do you live in the same  
5     quarters that the clientele live in?  
6           A     No, sir.  
7           Q     Where are your quarters?  
8           A     I'm on the second floor -- myself and Linda  
9     Lanfare is on the second floor.  
10          Q     And where is Mr. Johnson?  
11          A     Third floor.  
12          Q     Okay. And that's not one of the 30 rooms  
13     that you've described?  
14          A     Yes, sir.  
15          Q     It is one of the 30 rooms?  
16          A     Yes, sir.  
17          Q     Now, you described that on one occasion in  
18     2005 a meter reader came from the gas company and no  
19     one was in to give them access to the meter.  
20                     Do you recall that?  
21          A     Yes, sir.  
22          Q     And are you there 24-7 to let a meter

1 reader in if one were to come to the door?

2 A No, sir.

3 Q And you don't know exactly whether  
4 Mr. Johnson is always available to let a meter reader  
5 in from the gas company, do you?

6 He's not there 24-7, that's what I'm  
7 trying to get at.

8 A No, sir.

9 Q Okay.

10 A Let's just do that.

11 MR. GOLDSTEIN: I don't believe I have anything  
12 else.

13 JUDGE MORAN: Okay. I just have a few  
14 questions.

15 EXAMINATION

16 BY

17 JUDGE MORAN:

18 Q 30 rooms and then you and the other parties  
19 that stay there and work there and -- or are there  
20 most of the time, it sounds like --

21 A Mm-hmm.

22 Q -- that leaves 27 rooms.

1           A     Mm-hmm.

2           Q     And then is it one person per room or --

3           A     Multiple persons.

4           Q     Okay. So how many people in the rooms?

5           A     The City allows four people in the rooms

6     that they provide.

7           Q     Okay.

8           A     And one of the rooms is a little larger

9     than the rest of the ten.

10          Q     Okay.

11          A     So five people -- four to five people can

12     be housed in that larger room.

13          Q     Okay. So there are like cots or bunk beds?

14          A     Yes, ma'am.

15          Q     Okay. More bedding than furniture?

16          A     Yes. No furniture.

17          Q     Okay.

18          A     They don't permit dressers and you can't

19     leave your clothes overnight, you know, you can't --

20          Q     What you come in with, you have to leave

21     with?

22          A     Right. And you can bring changes, but you

1       can't house.

2               Q     I see.   Okay.

3                       And so they're essentially -- your

4       clientele is only there to sleep and they have to

5       leave in the morning?

6               A     Yes.   Two meals.

7               Q     And they get two meals?

8               A     Yes, ma'am.

9               Q     And that is a breakfast and dinner?

10              A     Yes, ma'am.

11              Q     I see.

12              JUDGE MORAN:   I don't think I had anything

13       else.   Thank you.

14              THE WITNESS:   You're welcome.

15              JUDGE MORAN:   Okay.   Any --

16              MR. SHAY:   Nothing else as far as evidence,

17       Judge, at this time.

18              JUDGE MORAN:   Okay.   Then Respondent is going

19       to put on --

20              MR. GOLDSTEIN:   Yes, sir.

21              JUDGE MORAN:   -- a witness.

22              MR. GOLDSTEIN:   I would like to call Zenetra

1 Weatherall.

2 JUDGE MORAN: And you are sworn in and ready to  
3 go.

4 MR. GOLDSTEIN: Yes.

5 ZENETRA WEATHERALL,  
6 called as a witness herein, having been first duly  
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY

10 MR. GOLDSTEIN:

11 Q Ms. Weatherall, state your name, spell your  
12 last name, tell us by whom you were employed and in  
13 what capacity.

14 A My name is Zenetra Weatherall,  
15 W-e-a-t-h-e-r-a-l-l. I'm an employee of Peoples  
16 Energy. I've been with the company approximately  
17 seven years. I worked in customer service for the  
18 first two years, and the remaining five years have  
19 been in the billing area. Currently, my title is a  
20 billing specialist. I investigate and resolve  
21 inquiries that are filed with the Illinois Commerce  
22 Commission.

1           Q     All right.  And how long have you been a  
2     billing specialist with Peoples Gas?

3           A     Approximately five years.

4           Q     And how did you become familiar with the  
5     gas account at 11321 South Wentworth?

6           A     I received an inquiry from the Illinois  
7     Commerce Commission.

8           Q     And you have handled both the informal  
9     stage of the complaint as well as the filing of the  
10    formal complaint in this matter; is that correct?

11          A     That's correct.

12          Q     And let me hand you -- first of all, before  
13    handing you the exhibits that we have marked,  
14    Ms. Weatherall, I'm going to be showing you five  
15    separate exhibits.

16                     Are those five exhibits part of the  
17    books and records of Peoples Gas?

18          A     Yes.

19          Q     And are they kept in the ordinary course of  
20    business?

21          A     Yes.

22          Q     And you, as a billing specialist, handling

1 both the informal and formal complaint for 11321  
2 South Wentworth, would you have access to those books  
3 and records?

4 A Yes, I do.

5 Q Let me hand you what's been marked as  
6 Respondent's Exhibit 1 for identification. It's an  
7 exhibit consisting of five pages.

8 Could you describe for the record what  
9 this exhibit is and then we'll go from there.

10 A This will be the transaction history going  
11 from the time period of February 8th of 2000 through  
12 March 13th of '06. It shows any type of transactions  
13 that have taken place on the account, such as the  
14 amount of the bills, any payments that would have  
15 been received, any payment arrangements that would  
16 have been established. It would also show return  
17 check history. Any type of collection activity would  
18 appear.

19 Q Okay. And you recall Mr. Shay, with  
20 respect to that stipulation that was entered into  
21 earlier, discuss the balloon billing that occurred in  
22 2004, do you not?

1           A     Yes, I recall that.

2           Q     And were there other times when there was

3     balloon billing on the account?

4           A     Yes.

5           Q     And when did that occur?

6           A     Prior to December 14th of '04 there was a

7     balloon bill issued February 12th, 2004.

8           Q     And could you describe what is meant by the

9     term "balloon billing."

10          A     That means that there had been a series of

11     estimated bills. Once the actual meter reading is

12     obtained, the account adjusts from the last time the

13     actual meter reading was obtained.

14          Q     Okay. And when there are two actual meter

15     readings, does the gas meter read on a progressive

16     manner -- in a progressive manner?

17          A     Yes.

18          Q     Let me show you what's been marked --

19                 JUDGE MORAN: Excuse me.

20                 MR. GOLDSTEIN: Oh, I'm sorry.

21                 JUDGE MORAN: I'm still not clear what balloon

22     billing is.

1           THE WITNESS:  It's basically a lump-sum bill  
2   that's issued when there has been a series of  
3   estimates.

4                       So, for instance, let's just say,  
5   January 1st of 2000 an actual meter reading is  
6   obtained.  From February to November, let's just say,  
7   that the bills were estimated.  December 1st, 2000,  
8   an actual meter reading is obtained, so all those  
9   estimates get canceled out and it's going to adjust  
10  from January of 2000 where that actual meter reading  
11  was taken.

12                               EXAMINATION

13                               BY

14                               JUDGE MORAN:

15           Q    Okay.  How are the estimates done?

16           A    The estimates is calculated based upon a  
17  series of things.  It's based upon the usage for the  
18  previous year.  It's based upon weather conditions.  
19  And it's also based upon the degree days.

20           Q    Okay.  So is there a special estimate  
21  created for each customer?

22           A    Correct.  Yes.

1 Q Okay.

2 A Because each premises is different, the  
3 usage varies.

4 Q Okay. And --

5 A So that's why --

6 Q -- with a balloon bill, all the estimates  
7 for any period of time are canceled out?

8 A Correct. But per the Illinois Commerce  
9 Commission 280.100, the adjustments for a commercial  
10 account is only for 24 months. So only 24 months  
11 worth of bills can be adjusted.

12 Q Okay.

13 A So if there's estimates beyond two years,  
14 the company can't recoup that money. It's a loss.

15 DIRECT EXAMINATION (CONT'D)

16 BY

17 MR. GOLDSTEIN:

18 Q And that did not occur in this particular  
19 situation --

20 A Correct.

21 Q -- with respect to this property?

22 A Correct.

1           Q     All right.  Is there anything else you'd  
2     like to point out with respect to Respondent's  
3     Exhibit 1?

4           A     No.

5           Q     Let me show you what's been marked as  
6     Respondent's Exhibit 2.  This is a bill with the date  
7     of May 19th, 2005.

8                     Is there anything you'd like to point  
9     out with respect to this bill?

10          A     This is a bill dated for February 19th,  
11     2005.  The total amount due for this billing cycle is  
12     \$14,379.21.  It shows that the current bill for this  
13     time period of April 13th, 2005, through May 5th,  
14     2005, is \$851.41.

15                     If you take a look at the top of the  
16     bill where it says "activity since the last bill," it  
17     records what the balance was that carried over from  
18     the previous month, and it also lists a payment that  
19     was received of \$1,000, and it also would list a  
20     security deposit plus interest was applied toward the  
21     bill.  And also this would be the final gas bill.

22          Q     All right.  And let me show you what's been

1 marked as Respondent's Exhibit --

2 JUDGE MORAN: And what does that mean that this  
3 is a final bill?

4 THE WITNESS: That means that the account  
5 finalized and this would be the last and final bill  
6 because the account is now closed.

7 At this point in time, the gas was  
8 shut off.

9 BY MR. GOLDSTEIN:

10 Q Let me show you what's been marked as  
11 Respondent's Exhibit 3. It's a three-page exhibit.  
12 Could you describe what is shown on this exhibit.

13 A This is the meter test history. It  
14 indicates that the meter had been changed. It was  
15 removed on September 20th of 2005. That meter number  
16 was P 1904352. It was tested on September 30th,  
17 2005. And it indicates that the meter passed the  
18 test and it verifies the usage on the meter.

19 And also, an actual meter reading was  
20 obtained which also verifies that the removed index  
21 on September 20th is correct.

22 Q The second page, what does that show,

1 Ms. Weatherall?

2 A The second page is a letter that was issued  
3 to the customer of record, A Little Bit of Heaven.  
4 It's a letter that basically verifies that a meter  
5 test was taken. And it indicates that the meter  
6 passed the test, which verifies that the gas bill is  
7 correct.

8 Q Okay. And that meter test occurred when?

9 A The meter test -- the meter was tested  
10 September 30th, 2005.

11 Q Okay. And the third page of the exhibit,  
12 what does that show?

13 A This is a second test that was conducted by  
14 the City of Chicago. And it's also verifying the  
15 same thing from the last test, which verifies the  
16 meter number. It verifies the final meter reading  
17 index. And it also verifies that the meter tested  
18 within the guidelines of the Illinois Commerce  
19 Commission.

20 MR. SHAY: I'm sorry. You lost me on that last  
21 page.

22 THE WITNESS: At the top it says "City of

1 Chicago," that's a City meter test.

2 MR. SHAY: Yeah, I thought that that was

3 Page 2.

4 MR. GOLDSTEIN: No, that was Page --

5 MR. SHAY: Let me show you what I have --

6 JUDGE MORAN: That's the way I -- this is

7 Page 2.

8 MR. SHAY: It should be Page 3.

9 JUDGE MORAN: That's not how it's marked.

10 MR. GOLDSTEIN: I don't know how it got hooked

11 together then. I got it reversed. We took it out of

12 order.

13 JUDGE MORAN: Which is Page 3?

14 MR. GOLDSTEIN: Page 3 --

15 THE WITNESS: Is a letter.

16 MR. GOLDSTEIN: -- is the letter.

17 JUDGE MORAN: Okay. So then I do have it.

18 MR. GOLDSTEIN: I had it reversed. Everybody

19 else had it right.

20 THE WITNESS: Sorry.

21 MR. SHAY: Was the testimony with respect to

22 Page 2 correct, or is that --

1           THE WITNESS:  Yes.  So do you just want to do  
2   it again?

3           MR. GOLDSTEIN:  If you want further  
4   explanation, we'd be happy to provide further  
5   testimony with respect to Pages 1, 2 and 3.

6   BY MR. GOLDSTEIN:

7           Q     Let's go back to Page 1 of Exhibit 3,  
8   Ms. Weatherall.

9                     And what does that show?

10          A     This is the meter test history.  At the top  
11   it says "equipment maintenance."  It indicates that  
12   the meter was removed on September the 20th and it  
13   was tested on September 30th, 2005.

14          Q     And that was a test done by Peoples Gas  
15   personnel?

16          A     Correct.

17          Q     Page 2 is the City of Chicago meter test.

18                     Is that of the same meter?

19          A     Correct, that's the same meter.

20          Q     And when did that test occur?

21          A     This test was taken on September 30th also.

22          Q     Okay.  And it was performed by City of

1 Chicago personnel?

2 A Correct.

3 Q And is Page 2 a -- something that's made a  
4 permanent part of Peoples Gas books and records?

5 A Correct.

6 Q All right. And Page 3 of the exhibit,  
7 that's the letter that was sent out by Mr. Riordan to  
8 Laura Braxton describing the September 30th, 2000,  
9 meter test?

10 A Correct.

11 Q Let me show you what's been marked as --  
12 let me show you, Ms. Weatherall, what's been marked  
13 as Respondent's Exhibit 4.

14 Could you describe what this exhibit  
15 is.

16 A Exhibit 4 is the meter reading history.  
17 The dates would go from September 27th, 1999, which  
18 is when the account was created, and it goes to  
19 May 5th, 2005. It basically shows the meter reading  
20 history. So it would record the bills -- or the  
21 meter readings that were -- that the account was  
22 billed to.

1           Q     And it would show actual and estimated  
2 readings; is that right?

3           A     That's correct.

4           Q     And there's also on the reading code  
5 something called company estimate. Could you  
6 describe what that is.

7           A     A company estimate is basically an estimate  
8 that is recorded when an actual meter reading hasn't  
9 been taken.

10          Q     And how does that differ, if any, from the  
11 term "system estimate"?

12          A     A company estimate would be an employee  
13 manually billing the account as opposed to a system  
14 estimate, the computer is actually making the  
15 adjustments or billing the account.

16          Q     And this exhibit consists of three pages;  
17 is that correct?

18          A     That's correct.

19          Q     Is there anything else you would like to  
20 add with respect to the exhibit?

21          A     No, not right now.

22          Q     Let me show you --

1 JUDGE MORAN: Let me ask you something before  
2 you move off this exhibit. What is the difference  
3 between a company estimate -- doing an estimate or  
4 the --

5 THE WITNESS: A company would --

6 JUDGE MORAN: -- computer doing the estimate?

7 THE WITNESS: Like me going in making an  
8 adjustment on the account that's called a --

9 JUDGE MORAN: Do you use anything different?  
10 Any different formulas when --

11 THE WITNESS: No, it would be the same as if  
12 the computer was doing it.

13 JUDGE MORAN: Okay. That's what I just wanted  
14 to know.

15 BY MR. GOLDSTEIN:

16 Q All right. Let me show you what's been  
17 marked as Respondent's Exhibit 5. This is a bill  
18 with a bill date of August 15th, 2005.

19 Is there something you'd like to point  
20 out with respect to this bill?

21 A This is the final and last gas bill that  
22 was received on the final account. It indicates that

1 the final amount due on this account was \$2,286.06.  
2 And it would be from the -- the final bill is from  
3 the time period of 4/13/05 to 5/5 of '05. And it  
4 will also record at the top any payments that were  
5 received.

6 Q And this is for account number with the  
7 last four numbers 9377; is that right?

8 A Correct.

9 Q Is there anything else you'd like to point  
10 out with respect to this exhibit?

11 A No.

12 MR. GOLDSTEIN: Just a moment, Judge.

13 (Whereupon, a discussion was had  
14 off the record.)

15 MR. GOLDSTEIN: All right. Finally -- I have  
16 just one more question, Judge.

17 JUDGE MORAN: Mm-hmm.

18 BY MR. GOLDSTEIN:

19 Q There are, as demonstrated on the exhibits,  
20 Ms. Weatherall, months when the gas bill for 11321  
21 South Wentworth was based upon an estimated reading  
22 rather than an actual reading; is that correct?

1           A     Correct.

2           Q     And what is generally the reason why there  
3     are estimated readings rather than actual readings?

4           A     Estimates are normally billed to an account  
5     when an actual meter reading hasn't been obtained.  
6     And that could be maybe the meter reader wasn't able  
7     to get access to the meter during the normal billing  
8     cycle.

9           MR. GOLDSTEIN: I have nothing else.

10          MR. SHAY: I just have a few questions.

11          THE WITNESS: Sure.

12          JUDGE MORAN: Okay.

13                   CROSS-EXAMINATION

14                   BY

15                   MR. SHAY:

16          Q     Stay on Exhibit 5, since that's the latest  
17     one.

18                   Ms. Weatherall, you testified on  
19     direct that that was a final bill?

20          A     Correct.

21          Q     Can you explain why that was a final bill.

22          A     Because at that point in time, the account

1     was closed out. I believe at that time, the account  
2     had been disconnected for nonpayment. Once the  
3     account is disconnected for nonpayment, the account  
4     will automatically finalize.

5           Q     You're saying -- is it your contention that  
6     Complainant's gas service was disconnected after  
7     August 15th, 2005?

8           A     Correct.

9                     I'm sorry about that. Actually  
10    before August of '05.

11                    Give me just a minute. It looks like  
12    May 19th, 2005, may be a more accurate date. In May  
13    of '05 the services were disconnected for nonpayment.

14           Q     Do you know when service -- whether service  
15    was reconnected -- let me reask that question.

16                    Do you know when service was  
17    reconnected following its disconnection in May of  
18    2005?

19           A     I believe it was September 28th of '05.  
20    Let me just...

21           Q     September 28th, '05?

22                    I guess I would ask you to recheck

1     your records on that answer.

2             JUDGE MORAN:   Do you want to propose a date  
3     subject to check --

4             MR. GOLDSTEIN:   Yeah, why don't you do that.

5             JUDGE MORAN:   -- Mr. Shay?

6             MR. GOLDSTEIN:   That's in the next case.

7     BY MR. SHAY:

8             Q     The date was, I believe, in late July of  
9     2005.

10            A     July 28th, I want to say was the date,  
11     because that's when we took a reading.

12            Q     July 28th, I would accept that subject to  
13     check.

14            A     Because that's when an actual meter reading  
15     was taken.

16            Q     Assuming that that's correct, then, again,  
17     I would ask you why this bill, Exhibit No. 5, is a  
18     final bill?

19            A     Actually it's an adjustment.   If you take  
20     below the activity since the last bill, it says  
21     "canceled prior billing."   So this is a revised bill  
22     because if you take a look at the current usage, this

1 bill is from April 13th of '05 to May 5th of 2005.

2 It doesn't go beyond that date.

3 Q Okay. Just to make sure I'm clear on this,  
4 are you saying that even though this bill was dated  
5 August 15 and purports to portray current charges,  
6 that it's for a prior billing period?

7 A Correct. According -- if you take a look  
8 at Exhibit No. 4 on the bill date, there's a bill  
9 date for April 15th of '05. And then also it shows a  
10 date of May 19th of '05.

11 So the bill that was issued on May the  
12 19th was from April 13th of '05 through May 5th  
13 of '05 and it looks like that bill was canceled out.  
14 So this bill would be from -- it's an adjusted bill.

15 So two bills were issued. On May 19th  
16 a bill was issued and that bill was canceled out and  
17 this is a revised bill that's being -- so there's a  
18 bill prior to this that also said "final bill."

19 JUDGE MORAN: So the connection between  
20 Exhibit -- your Exhibit No. 2 and Exhibit No. 5, is  
21 that Exhibit No. 2 was basically recalled when  
22 Exhibit 5 issued?

1 THE WITNESS: Correct.

2 JUDGE MORAN: I get it.

3 MR. SHAY: Yeah, I think I'm there. Thank you.

4 BY MR. SHAY:

5 Q Okay. Let's continue on with Exhibit  
6 Nos. 2 and 5, which, as we now know, both relate to  
7 the same time period, that being April 13th, 2005 to  
8 May 5th, 2005; is that correct?

9 A Correct.

10 Q Okay. Referring you to Exhibit No. 2,  
11 which, if I'm correct, was the original bill for that  
12 period of time in April and May that we just  
13 mentioned?

14 A Correct.

15 Q It looks like -- well, you tell me, how  
16 many therms were included on this bill and reflected  
17 in the billing?

18 A On the bill date of May 19th?

19 Q Yes.

20 A The total amount of therms is 808 from May  
21 13th of '05 to May 5th of '05.

22 Q After billing the VT conversion factor,

1     what is the total?

2             A     806-- 8 -- 1608.

3             Q     Thank you. Okay. Now, on Exhibit No. 5,  
4     which I believe you've testified is a rebilling -- a  
5     corrected billing for that same time period.

6                     What is the therm usage after  
7     conversion shown on that bill?

8             A     After conversion, 3,108.78 therms.

9             Q     Ms. Weatherall, do you have any explanation  
10    as to why the therm usage on the rebill, that being  
11    Exhibit 5, was almost four times the therm usage on  
12    the original bill, Exhibit No. 2?

13                    And if you don't know, that's fine,  
14    just say so.

15             A     Okay. This bill was issued after the gas  
16    was turned on. Well, this has to do with the next  
17    case; but on July the 28th, an actual meter reading  
18    was taken, which is a lot higher. So the account is  
19    actually adjusting based upon the new reading.

20                    So that the previous bill that was  
21    issued in May of '05 is low. The estimate is low  
22    compared to the actual reading that was obtained in

1 July.

2 MR. SHAY: Okay. Judge, I'm going to propose  
3 that -- a couple things here because we're -- we have  
4 moved from the time period covered by the original  
5 complaint in 0023 into the time period covered by the  
6 subsequent complaint in 0603.

7 And rather than continuing the line of  
8 questioning with regard to Exhibit -- these exhibits  
9 to the extent they pertain to the latest time period  
10 in 0603, it might be cleaner, so to speak, to  
11 continue that in the subsequent case on that record  
12 because these exhibits and this time period really  
13 aren't in dispute in the current case.

14 Alternatively, since we've -- two  
15 choices I'm going to offer up. I'm just trying to  
16 expedite this thing. Because now we have quite a bit  
17 of testimony and exhibit evidence in the record -- or  
18 at least identified, and I'm sure will be moved to be  
19 admitted into evidence shortly, that in this case,  
20 that pertains to the period outside of this case. I  
21 would ask whether, Judge and Counsel, if you would  
22 agree, it might make sense just to consolidate these

1 two proceedings given that we've got now evidence  
2 bridging the two. And it might make it easier to  
3 sort things out and process the two cases.

4 MR. GOLDSTEIN: Well, I don't know that I would  
5 agree to consolidate the cases, Mr. Shay. What I  
6 would agree to do is to carry over testimony of  
7 cross-examination from one case to another as it may  
8 pertain to which case.

9 JUDGE MORAN: A sharing of a record by both  
10 cases.

11 MR. GOLDSTEIN: Because in the meantime, the --  
12 they're really two distinct cases separated by a  
13 disconnection of service. And what you're looking at  
14 is -- in the final bill is merely something to sort  
15 of catch up where the bill should have been with  
16 respect to the service provided under the old account  
17 number.

18 And that's the reason that I'm  
19 proposing another alternative, which identify just  
20 stated.

21 MR. SHAY: All right. Just so I'm clear, if,  
22 based on your proposal --

1           JUDGE MORAN:  Yeah.  Do you understand that,  
2   that we're still keeping the -- we would still keep  
3   the two cases separate and each would have evidence  
4   that's, obviously, relevant to the issues of that  
5   case, but there's no reason, nor is it really  
6   possible for all -- everybody to walk this fine line  
7   in terms of building a record.  And, therefore,  
8   anything that in this record is pertinent to the  
9   other case, I think there can be an agreement between  
10  the parties that that will be usable.

11           MR. GOLDSTEIN:  Well, for example, I would also  
12  stipulate that the testimony that your witnesses gave  
13  in this case on cross-examination and all the other  
14  questions that may have been asked in this case could  
15  be carried over into the next case, so that we don't  
16  have to do some of the preliminaries.

17           MR. SHAY:  Okay.  And included in the evidence  
18  of record in the other case?

19           MR. GOLDSTEIN:  Well, it would be -- it would  
20  be as if the witness --

21           JUDGE MORAN:  Yes.

22           MR. GOLDSTEIN:  -- was under oath, yes.

1           MR. SHAY:   And that would be -- apply to both  
2   Complainant and Respondent's witness and exhibits?

3           MR. GOLDSTEIN:   Yes.

4           JUDGE MORAN:   Yes.

5           MR. SHAY:   I'm comfortable with that.

6           JUDGE MORAN:   Okay.   It's a sharing of record.  
7   Obviously, there may be things in the testimony or in  
8   the record so far that have nothing to do with the  
9   next case, and so you wouldn't use them when you're  
10   doing your briefing; but, certainly, yes, we don't  
11   need all this preliminary stuff.   It's a duplication  
12   of time and waste of resources.

13                       So I think I'm very comfortable that  
14   I'm just hoping that you are both comfortable with  
15   that.

16                       Mr. Goldstein, please listen.

17           MR. GOLDSTEIN:   I'm sorry, Judge, I was  
18   conferring about the next case.

19           MR. SHAY:   One other point relevant to that if  
20   I may.

21           JUDGE MORAN:   Sure.

22           MR. SHAY:   I'm willing to accept that, again, I

1 would suggest that in order to -- if we keep the two  
2 cases separate, they relate to two different time  
3 periods, but it's the same type of service, the same  
4 parties basically saying -- the nature of the  
5 complaint similar. If we combine them, consolidated  
6 them, then we'd only have one set of briefs and  
7 otherwise might be more expeditious and less in legal  
8 fees -- pardon me for saying that -- and other  
9 resource savings if we could consolidate them; but  
10 I'm not going to move for that. I'm just going to  
11 suggest that.

12 JUDGE MORAN: Then why don't -- wait. Let's  
13 not get into that now.

14 MR. SHAY: We can hold that for later?

15 JUDGE MORAN: We can hold that for later --

16 MR. SHAY: Okay.

17 JUDGE MORAN: -- give people an opportunity to  
18 think about it because sometimes all the nuances  
19 don't come up in your head immediately, but at least  
20 we're agreeing to a sharing of the record at this  
21 point. And that's -- you know, that would be  
22 critical and it would be the same if you

1 consolidated. So...

2 MR. GOLDSTEIN: I would just observe, Judge,  
3 that there has been some cooperation between Mr. Shay  
4 and me with respect to certain stipulations. And I  
5 think that after the record is closed and these  
6 matters, we could figure out where we're at once we  
7 see the transcripts and so forth.

8 JUDGE MORAN: That's true, too.

9 MR. GOLDSTEIN: And try to figure out how we're  
10 going to go about briefing the matter.

11 JUDGE MORAN: Okay.

12 MR. SHAY: Okay. Okay.

13 BY MR. SHAY:

14 Q Ms. Weatherall, are you familiar with the  
15 policies and procedures of your company's meter  
16 reading?

17 A Yes. I should say to a certain extent as  
18 far as the billing part of it.

19 Q Okay. Could you explain what your policy  
20 is on monthly meter readings for a customer such  
21 A Little Bit of Heaven?

22 A A bill is issued monthly. Every month a

1 bill goes out regardless of whether a meter reading  
2 is obtained. On the months that the meter is not  
3 read, the bill is estimated so that a bill can still  
4 be issued.

5 Q How is it determined whether a bill in a  
6 particular month is going to be based on an actual  
7 read or an estimated read?

8 In other words, what is the policy  
9 on -- of Peoples Gas on reading -- obtaining actual  
10 reads or attempting to obtain actual reads of a  
11 meter?

12 A An actual reading should -- normally should  
13 be taken at least every other month. If it doesn't  
14 have a remote device, every other month we attempt to  
15 read the meter -- the meter reading department  
16 attempts to read the meter.

17 Q So you're saying you don't attempt to read  
18 it every month, just every other month?

19 A Correct. Some accounts are read every  
20 month. Some are read every other month, depending  
21 upon, you know, the area that it's in or that  
22 location.

1           Q     Do you know what the policy is or was  
2     during the period in question in this case for this  
3     customer?

4           A     The -- again, we attempt -- the meter  
5     reading department attempts to read the meter at  
6     least every other month.

7           Q     Do you know why that wasn't done for much  
8     of the time that we've discussed here this morning?

9           A     In my temp time period with the company --  
10    I can't say at this particular premise, but if we're  
11    not able to gain access to that meter, then it's  
12    automatically estimated. If the meter reader can't  
13    get in during that time that he's out there, then  
14    it's estimated.

15          Q     How much of an attempt does a meter reader  
16    need to make to gain access to read a meter or an  
17    inside meter for a customer like this?

18          A     Well, like I said, every other month he  
19    attempts to read the meter. He only goes out that  
20    one time. He doesn't -- you know, let's just say he  
21    goes out at 8:00 a.m. and no one's there, he's not  
22    going to make another attempt. That's it.

1           Q     Okay.  Ms. Weatherall, on Exhibit No. 4 --  
2     do you have that in front of you?

3           A     Yes.

4           Q     What I'd like you to do is tell us, as  
5     disclosed by this exhibit, assuming it's correct, on  
6     what dates was there an actual read for this account?

7           A     On Page 1, starting from the bottom, I'll  
8     work my way to the top.

9           Q     Could we start in Page 3 because it's in  
10    reverse chronological order so I think the record  
11    would be clearer if we'd start at the beginning  
12    time-wise.

13          A     Starting from the last page,  
14    September 27th, 1999, a meter reading was recorded.

15          Q     I'm sorry.  Excuse me.  I don't have that  
16    date on mine.

17          JUDGE MORAN:  Yeah, my copy starts from  
18    March 5th, 1999.

19          MR. SHAY:  Mine starts February 16th, 2000.

20                   What am I missing?

21          JUDGE MORAN:  Oh, yeah, that's right.

22          THE WITNESS:  Those bills were canceled out, so

1 I'm looking at the active line.

2 JUDGE MORAN: So which is the first active  
3 line?

4 THE WITNESS: September 27th, 1999.

5 MR. SHAY: I'm still not --

6 JUDGE MORAN: We don't have that.

7 MR. GOLDSTEIN: Six columns over, Judge.

8 MR. SHAY: Oh.

9 THE WITNESS: At the bottom because it looks  
10 like there was some adjustments.

11 MR. SHAY: I was looking at the read date.

12 JUDGE MORAN: Okay. Read date.

13 THE WITNESS: The read code column and to the  
14 left it says "active."

15 MR. SHAY: Active?

16 MR. GOLDSTEIN: Do you want those all read into  
17 the record?

18 THE WITNESS: Because it looks like there  
19 was -- the account originally billed to March 5th of  
20 '99 and for whatever reason an adjustment was done  
21 and they started the account out at September 27th,  
22 1999. That's why you see the backout bills. So

1     that's why I'm reading at September 27th, 1999.

2     BY MR. SHAY:

3             Q     I'm just trying to get clear on the actual

4     meter reading dates, number of times since this

5     account became active as evidenced by this exhibit.

6             MR. GOLDSTEIN:   You want that read into the

7     record?

8             MR. SHAY:   That would be fine, not -- just the

9     actual reading dates.

10            THE WITNESS:   Right, that's what I'm attempting

11    to read.

12            MR. SHAY:   Okay.   Yes, if you wouldn't mind.

13            MR. GOLDSTEIN:   I would also point out that the

14    exhibit speaks for itself with respect to those

15    actual read dates, but I'll be happy to have --

16            MR. SHAY:   Just so we're all clear.

17            MR. GOLDSTEIN:   -- the witness clarify.

18            JUDGE MORAN:   And let me clarify, that means

19    you're going to start counting the actuals under the

20    column that says "read code"?

21            THE WITNESS:   Correct.

22            JUDGE MORAN:   Okay.   So that if there's a

1 mistake, someone else can make that count off of this  
2 exhibit.

3 THE WITNESS: Okay.

4 MR. GOLDSTEIN: And, as I pointed out, the  
5 exhibit speaks for itself.

6 THE WITNESS: So starting --

7 MR. SHAY: It doesn't speak clearly enough,  
8 that's all.

9 THE WITNESS: September 27th, 1999, the next  
10 meter reading was September 14th of 2000.

11 BY MR. SHAY:

12 Q Excuse me. You mean February --

13 A I'm sorry. February. I'm sorry. Okay.  
14 Let me start over.

15 September 27th, 1999. February 14th,  
16 2000. April 18th, 2000. August 17th, 2000. And the  
17 last one on this page is December 15th of 2000.

18 Q Thank you.

19 JUDGE MORAN: Okay. And from the second page?

20 THE WITNESS: From the second page,  
21 September 12th -- September 12th, 2001.

22 JUDGE MORAN: Mm-hmm.

1           THE WITNESS:   May 14th, 2002.   May 18th, 2002.  
2   September 18th, 2002.

3           JUDGE MORAN:   There's like three May 18th  
4   actuals -- oh, because there's a backout and a --

5           THE WITNESS:   They were backed out, correct.

6           JUDGE MORAN:   Okay.

7           THE WITNESS:   So, again, May 18th, 2002.   After  
8   that, September 18th, 2002.   And then the last one  
9   for this page would be May 13th, 2003.

10   BY MR. SHAY:

11           Q     Excuse me.   The one just prior to the last  
12   one again, what was that?

13                       Did you say September 18th?

14           A     Yes, September 18th, 2002.

15           Q     Okay.   Thank you.

16           JUDGE MORAN:   Did you also refer to May 13th,  
17   2003 on that page?

18           THE WITNESS:   No.

19           MR. SHAY:   Yes, you did.

20           THE WITNESS:   Wait.   May 13th, '03, yes.   And I  
21   just want to -- for the record, September 18th, 2002,  
22   you see two different meter readings because the

1 meter was changed. So you have the old meter reading  
2 off of the old meter.

3 JUDGE MORAN: Okay. Well, where is that  
4 reflected?

5 THE WITNESS: September 18th, 2002.

6 JUDGE MORAN: Hold on.

7 Okay. And how -- oh, I see, you've  
8 already got it marked "meter change" on this exhibit.

9 MR. GOLDSTEIN: Not on the one you have,  
10 though.

11 THE WITNESS: So the old meter, 1585240, was  
12 removed at 01359. And then the next line, 1904532,  
13 is the new meter being set at 29385.

14 JUDGE MORAN: I see. Okay.

15 THE WITNESS: And then the last page, the next  
16 actual meter reading was September 12th, 2004.

17 JUDGE MORAN: September?

18 BY MR. SHAY:

19 Q You mean, February 12th?

20 A I don't know why I keep saying --  
21 February 12th. February 12th, 2004.

22 JUDGE MORAN: Mm-hmm.

1           THE WITNESS:  And then there's another one,  
2   December 14th, 2004.

3           JUDGE MORAN:  Mm-hmm.

4           THE WITNESS:  That would be the last one for  
5   this account.

6           MR. SHAY:  Thank you.

7                       Mark, I would like to see the written  
8   policies and procedures on meter reads -- actual  
9   meter reads and how meter readers are supposed to  
10   attempt to read the meters as testified to by  
11   Ms. Weatherall.

12                      I'm sure there are policies and  
13   procedures in place to support that?

14           JUDGE MORAN:  You're making an on-the-record  
15   data request?

16           MR. SHAY:  Yes, Judge, I am.

17           JUDGE MORAN:  And we'll call that On-The-Record  
18   Data Request Complainant's No. 1.

19           MR. SHAY:  Yes.

20           JUDGE MORAN:  Because we have to give it a  
21   number.

22                      And after the hearing, you can follow

1     it up with a written data request.

2             MR. GOLDSTEIN:   I'll tell you what we would  
3     offer, Judge --

4             JUDGE MORAN:    What?

5             MR. GOLDSTEIN:   -- we hadn't really planned  
6     on -- we had another witness who was going to testify  
7     in the second case, Ms. Daniels.   Ms. Daniels  
8     informed me that she's been with the company for  
9     about 25 years or more and she is an ex-meter reader  
10    and she could explain why some accounts are read  
11    monthly and some are read every other month, if that  
12    would be of any help to the record here.

13            I assume there are policies and  
14    procedures, but I don't know that that would be  
15    particularly helpful.   I would be happy to put  
16    Ms. Daniels on and let Mr. Shay --

17            JUDGE MORAN:    It's Mr. Shay's theory of the  
18    case now, and you have to direct that to him and see  
19    if that's satisfactory.

20            MR. SHAY:   Well, I guess I will -- I'd like to  
21    make the on-the-record data request that I have.   I  
22    would -- pending subsequent testimony in this and the

1 subsequent case, I may withdraw it, but I would like  
2 to have it now on the record. And if we can get  
3 enough testimonial or exhibit to satisfy what I'm  
4 looking for, then I would withdraw the data request.

5 JUDGE MORAN: Does that makes sense?

6 MR. GOLDSTEIN: Well, Ms. Daniels was going to  
7 be called in the next case because -- as the Braxtons  
8 know, she came out and visited the premises this  
9 week. And I was going to have her report on what she  
10 saw at the premises, 11321 South Wentworth. And that  
11 was the only basis upon which she was going to  
12 testify. She was not going to testify as an ex-meter  
13 reader.

14 I suspect that -- and the reason I  
15 came over here to visit her is she's had such vast  
16 experience in the company, that I thought she would  
17 have information that she could impart to you with  
18 respect to the meter reading policy. If you do not  
19 want that testimony, I am not going to put her on for  
20 that purpose; but I think that you're going to find  
21 that, while your request on the face of it is  
22 seemingly valid, it will end up with you to no avail

1 to have those policies and procedures.

2 MR. SHAY: Okay. Well, you're not contending  
3 it's irrelevant to any of the issues in the case, are  
4 you?

5 MR. GOLDSTEIN: It is irrelevant insofar as  
6 this particular account is concerned.

7 MR. SHAY: Okay. I would respectfully  
8 disagree. I believe it is. The policies and  
9 procedures regarding actual meter reading is  
10 relevant.

11 MR. GOLDSTEIN: Ms. Daniels has been sworn, you  
12 can ask her any question you'd like with respect to  
13 the meter reading policy and we will follow it up  
14 with the written policies that you've requested.

15 JUDGE MORAN: Yeah.

16 MR. GOLDSTEIN: As a matter of fact, I would  
17 like to call her as a witness, if you don't mind.

18 JUDGE MORAN: I might inject something here,  
19 Ms. Daniels would probably have to be qualified.

20 I mean, how long has it been since she  
21 as been a meter reader?

22 MS. BETTY JEAN DANIELS: It was 24 years ago,

1 but the policy is the same. We've always read the  
2 meters.

3 JUDGE MORAN: And you are sure that there are  
4 no updates to the policies?

5 MS. BETTY JEAN DANIELS: No, we read them  
6 bi-monthly.

7 MR. SHAY: 24 years ago.

8 MS. BETTY JEAN DANIELS: We read them  
9 bimonthly. We don't have a staff to read it every  
10 month, we never have. There's special accounts that  
11 we do read every month, but they're hospitals.

12 JUDGE MORAN: Well, you know what, we're  
13 starting to --

14 MR. GOLDSTEIN: Well, this is what she's going  
15 to testify to. And if need be, I'll just make an  
16 offer of proof for it.

17 JUDGE MORAN: But you can use this as just  
18 qualifying and making sure that the witness would  
19 have the information that you would need to know  
20 about --

21 MR. SHAY: Okay. Well, I mean --

22 JUDGE MORAN: -- without going into specifics

1 as to what that information is.

2 MR. SHAY: I think --

3 JUDGE MORAN: Kind of like a voir dire.

4 MR. SHAY: Okay. Well, regardless of what the  
5 witness might testify to, I guess I feel like the  
6 written policies and procedures should be readily  
7 available. It's not overly burdensome to provide it.  
8 And --

9 MR. GOLDSTEIN: I will provide it, Judge.

10 MR. SHAY: If it's online, I'll go get it  
11 myself. If it's part of your tariffs or if it's a  
12 separate policy and procedure that not, I would --

13 MR. RIORDAN: I don't think it's online myself.  
14 We do have access to it.

15 MR. SHAY: Okay. Then --

16 MR. RIORDAN: I believe also it's part of 280  
17 where we have to read or attempt to read meters  
18 bi-monthly. I believe it's part of 280 as well.

19 MR. SHAY: Okay. Then I think I would like to  
20 make that request and --

21 MR. GOLDSTEIN: I'm going to call Ms. Daniels  
22 for the purpose of asking her questions with respect

1 to what --

2 JUDGE MORAN: That's fine. I mean, it's  
3 your --

4 MR. GOLDSTEIN: -- Mr. Shay requested.

5 JUDGE MORAN: You have a right to do that, but  
6 let's finish with this witness, with Ms. Weatherall.

7 And the on-the-record data request is  
8 allowed.

9 MR. SHAY: Thank you.

10 No further questions.

11 JUDGE MORAN: Okay. I have a few questions.

12 FURTHER EXAMINATION

13 BY

14 JUDGE MORAN:

15 Q Is there a problem with billing estimates,  
16 so many estimates in a row, or is there a policy on  
17 that?

18 A I'm not understanding your question.

19 Q It seems like there have been a lot of  
20 estimate bills.

21 A Okay. Well, again, the bills are estimated  
22 when an actual meter reading hasn't been taken.

1       So...

2               Q     Right.  And when you see a lot of estimates  
3     in a row --

4               A     Mm-hmm.

5               Q     -- does that trigger any kind of --

6               A     Normally it triggers.

7               Q     -- inquiry or problem or something?

8               A     Normally it will kick out what's called as  
9     a work Q, which is basically a work order that will  
10    kick out that would say -- I believe it says, 12  
11    consecutive -- or six consecutive estimates.

12                       And at that point in time, that work Q  
13    is reviewed and a meter reading should be scheduled.

14               Q     Okay.  So then you send it over to  
15    billing -- to meter reading?

16               A     Correct.

17               Q     What happened between Exhibit 2 and  
18    Exhibit 5?

19               MR. GOLDSTEIN:  Good question.

20               BY JUDGE MORAN:

21               Q     I mean, can you tell me that off of  
22    Exhibit 4?

1                   Doesn't that sound technical?

2           MR. SHAY:   You're supposed to help clarify.

3           MR. GOLDSTEIN:   But it's accurate.

4           THE WITNESS:   Okay.   The differences between

5   the two bills --

6   BY JUDGE MORAN:

7           Q     Not the differences.   What happened in

8   between?

9                   I -- as I understand it, this is a

10   final bill --

11          A     Mm-hmm.

12          Q     -- on Exhibit 2, a final bill that you're

13   telling me is for disconnection.

14          A     Okay.   When this --

15          Q     And this -- and then you're -- then, as I

16   understand it, this bill is not correct.   So someone

17   can be disconnected for a wrong bill.

18          A     Okay.   At this May of '05, it was

19   originally billed to a company estimate of 55126,

20   okay, if you follow on Exhibit No. 4.

21                   This bill was corrected after an

22   actual meter reading was taken in July of '05 when

1 the account was turned on. So basically with this  
2 adjustment as of August of '05, it would verify that  
3 the final bill that was issued in May of '05 was that  
4 estimate was low.

5 So this is basically a makeup bill  
6 from -- from April 13th of '05 through May of '05.

7 Q What do you mean this is a makeup bill?

8 That means that this amount is owed  
9 and this amount is owed?

10 A It means that this bill -- if you take a  
11 look at the activity since the last bill on April --  
12 I'm sorry -- on August --

13 Q Where are we? Can you come here and show  
14 me?

15 A I'm sorry. Exhibit No. 5. Exhibit No. 5.

16 Q Okay. All right.

17 A It says, Canceled prior billing April 13th  
18 of '05 through May --

19 Q Wait. Where are you reading from?

20 A Activity --

21 MR. RIORDAN: Can I go over there and show you,  
22 Judge.

1 JUDGE MORAN: Yeah, someone -- yeah, I need to  
2 know if I'm in the right or the left.

3 THE WITNESS: Below the name, activity since  
4 the last bill.

5 BY JUDGE MORAN:

6 Q Okay. Which is on the left-hand side?

7 A Correct.

8 Q It's the first highlighted sentence?

9 A So it basically says that the bill that was  
10 originally sent of 85141 is being canceled and we're  
11 rebilling it for \$3,137.47.

12 Q So it's only saying that this portion of  
13 the bill, this 861 was too low when it was estimated?

14 A Correct.

15 Q Is that what it's saying?

16 A Correct.

17 Q Boy. And so now the rebilling --

18 A Is for a higher amount.

19 MR. SHAY: Exhibit 5 relates to that.

20 JUDGE MORAN: I get it.

21 MR. SHAY: Okay.

22

1 BY JUDGE MORAN:

2 Q But, you know, getting two pieces like  
3 this, this looks to me -- when you answered the  
4 question, it seemed like everything on this bill was  
5 wrong and now everything is right on here. And I'm  
6 thinking, well, how did we get from 14 to 2000.

7 A Because payments have been made in between  
8 the time period also.

9 Q Well, is that true, too, this bill, final  
10 bill 14,000 on Exhibit 2?

11 A Mm-hmm. Because if you take a look at  
12 Exhibit 1 where I showed the transaction history, it  
13 shows them making a \$13,000 payment. That's why you  
14 see two differences.

15 Q Where am I going to find that \$13,000  
16 payment?

17 A Exhibit No. 1 there was a \$13,000 payment  
18 made on July the 19th.

19 Q And then the next month's billing would  
20 have been what?

21 If this was the bill that went out in  
22 May, there must have been another bill that went out

1     in June or July and where -- let's find those  
2     payments.

3             MR. RIORDAN:   Would that have been on the next  
4     current account, the next active account after this  
5     service was restored?

6             THE WITNESS:   Yeah, the amount on the active,  
7     which we haven't gotten to yet.

8             JUDGE MORAN:   If I had bills -- these same  
9     bills for these months in between, I would see that.

10            MR. RIORDAN:   See, what, the payment?

11            JUDGE MORAN:   Right.   I would see what's  
12     reflected there?

13            MR. RIORDAN:   I don't remember -- I'd have to  
14     look.

15            MR. GOLDSTEIN:   Judge, we have the bills with  
16     bill dates of June 20, 2006.

17            JUDGE MORAN:   You know, I understand your point  
18     of needing to show us these two, but sometimes you  
19     need to put in the pieces that aren't necessarily  
20     relevant to you, but they're helpful for the judge to  
21     see the pattern and, obviously, for Complainant.  
22     This is not what we deal with every day.   So...

1                   You wouldn't understand my date book  
2     either.

3           MR. SHAY:   Mark, if it helps, I have a bill  
4     dated July 18th, 2005.

5           THE WITNESS:   That's probably it because we  
6     gave them copies the last time we were here of the  
7     bills.

8           MR. SHAY:   Oh, and here's one from June.

9           MR. GOLDSTEIN:   Yeah, we thought we still had  
10    copies.

11          MR. SHAY:   These are going to cost you.

12          MR. GOLDSTEIN:   I probably gave them the copies  
13    I had.

14          MR. SHAY:   \$13,000.

15          MR. GOLDSTEIN:   You want me to write a check  
16    right now?

17          MR. SHAY:   No, your credit's no good.   I want  
18    it to go on the company's account.

19          MR. GOLDSTEIN:   We thought we kept copies of  
20    what we gave the Braxtons before, but I couldn't find  
21    them.   I probably gave them what I had.

22          JUDGE MORAN:   I think that would be good to be

1     made part of some exhibit here, make it -- extend  
2     your Exhibit -- your Exhibit 5 by those sheets, just  
3     so it would just -- would you agree?

4             MR. SHAY:   One suggestion -- yes -- was maybe  
5     it's getting close to probably past time for a lunch  
6     break.  We could probably have copies made during the  
7     lunch break.

8             JUDGE MORAN:  You can make those copies,  
9     Mr. Goldstein.

10                 I think that's an excellent idea.

11             MR. GOLDSTEIN:  That would be part of  
12     Exhibit 5.

13             JUDGE MORAN:  Yeah, just attach it to  
14     Exhibit 5.  And then we -- the three of us certainly  
15     understand where this all fits and goes.  It just  
16     gives us a fuller picture.

17             MR. GOLDSTEIN:  We'd be happy to provide that  
18     for you, Judge.

19             JUDGE MORAN:  Thank you.  Thank you.

20             MR. GOLDSTEIN:  Does your Honor have any other  
21     questions of Ms. Weatherall?

22             JUDGE MORAN:  I think that's it, but maybe when

1 I get a look at those exhibits, I'll...

2 MR. GOLDSTEIN: Should we call Ms. Daniels with  
3 respect to the billing procedures?

4 JUDGE MORAN: Do you want to call Ms. Daniels  
5 before we break for lunch?

6 MR. GOLDSTEIN: Yeah, because it will be really  
7 quickly.

8 JUDGE MORAN: Sure. Yeah. Okay.

9 BETTY JEAN DANIELS,  
10 called as a witness herein, having been first duly  
11 sworn, was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY

14 MR. GOLDSTEIN:

15 Q Ms. Daniels, you've been previously sworn  
16 in this matter, have you not?

17 A That's correct.

18 Q Could you state your name for the record,  
19 please.

20 A Betty Jean Daniels.

21 Q And you're employed by Peoples Gas; is that  
22 correct?

1           A     That's correct.

2           Q     What's your current position with Peoples  
3     Gas?

4           A     Field service supervisor operation.

5           Q     And you've worked for the company how long?

6           A     January 4th will be 25 years.

7           Q     And you previously served as a meter reader  
8     with the company; is that right?

9           A     That is correct.

10          Q     And that was quite a while ago, 24 years  
11     ago; is that right?

12          A     That's correct.

13          Q     Now, to your knowledge, has the meter  
14     reading procedures changed at all in the last 24  
15     years of your service with Peoples Gas?

16          A     No, they haven't.

17          MR. SHAY: I'm sorry. Could you state what  
18     your position is again.

19          THE WITNESS: Field service supervisor,  
20     operations.

21          MR. SHAY: Okay. In order -- field service...

22          JUDGE MORAN: And maybe you could define what

1     your responsibilities are.

2     BY MR. GOLDSTEIN:

3           Q     Could you describe generally what your  
4     duties are as field service --

5           A     All of my duties?

6           Q     Just --

7           JUDGE MORAN:   Well, just give us a general  
8     idea.

9                         I mean, do you work with meter  
10    readers?   Do you work with billing people?

11           THE WITNESS:   I work with field service  
12    employees, meter readers occasionally.

13           JUDGE MORAN:   What are field service employees?

14           THE WITNESS:   Employees that work in the field.

15           JUDGE MORAN:   In doing what?

16           THE WITNESS:   Meter reading, turn on gas, shut  
17    off gas, change meters.

18           JUDGE MORAN:   Okay.   So it's still dealing with  
19    meters in a large --

20           THE WITNESS:   Right.   Every day.   Yes, every  
21    day with meters.

22     BY MR. GOLDSTEIN:

1           Q     And I guess the last question I had on the  
2     table was whether the meter reading procedures had  
3     changed, to your knowledge, over the last 25 years?

4           A     No.

5           Q     And now, you understand that the account at  
6     11321 South Wentworth is a Rate 2 heating account?

7           A     That is correct.

8           Q     And what is the meter reading procedure, to  
9     your knowledge, with respect to meter reading of a  
10    Rate 2 account?

11          A     The meter's read bi-monthly.

12          Q     And are there accounts at Peoples Gas that  
13    are read on a monthly basis?

14          A     Yes, there are.

15          Q     Would you generally describe what those  
16    accounts are.

17          A     Those are unique accounts, like Nabisco,  
18    hospitals, the Ford plant.  People that the bills are  
19    like a 150,000 a month or something -- you know, a  
20    hundred thousand a month.  It's by the amount of gas  
21    they consume.

22          Q     Would there be any circumstances under

1       which Peoples Gas would read the 11321 South  
2       Wentworth Rate 2 account on a monthly basis?

3           A     No.

4           MR. GOLDSTEIN:  I have nothing else.

5           MR. SHAY:  I have no questions.

6                       EXAMINATION

7                       BY

8                       JUDGE MORAN:

9           Q     I understand that you have to read them  
10       bi-monthly?

11          A     That's correct.

12          Q     But how many bi-monthly periods can go  
13       before some red flag shoots up?

14          A     It should be a year, which is six -- six  
15       missed meter readings.

16          Q     Okay.  That's what I'm trying to get to.

17          MR. GOLDSTEIN:  Okay.

18       BY JUDGE MORAN:

19          Q     Six -- you can go up to six missed readings  
20       and then something has to be done?

21          A     Something should be done.

22          Q     Okay.  And what should be done?

1           A     An attempt to read the meter should be  
2     obtained.

3           Q     By some other means --

4           A     Right.

5           Q     -- than just usually going out?

6           A     Right.

7           Q     Okay. And so then maybe calls are made?  
8                     This is what I'm trying to get to.

9           A     I'm not sure. I was always a meter reader.

10          Q     Okay.

11          A     I was never in management in that  
12     department. So I'm not -- I know that after a year,  
13     which is six consecutive months --

14          Q     Mm-hmm.

15          A     -- a red flag or something to say that we  
16     need to actually get in and read this meter occurs.  
17                     The procedure that they follow to get  
18     access to the premises, I have no knowledge of that.

19          MR. GOLDSTEIN: Let me correct one thing with  
20     Ms. Daniels. I think she misspoke. When you said  
21     "six consecutive readings," you mean six consecutive  
22     bi-monthly readings over a one-year period?

1 JUDGE MORAN: Yes.

2 THE WITNESS: Well, that's a year. Six  
3 consecutive is a year because it's bi-monthly.

4 MR. GOLDSTEIN: Okay.

5 THE WITNESS: So, right.

6 MR. GOLDSTEIN: All right. Thank you for  
7 clearing that up.

8 JUDGE MORAN: Yeah, I think that was  
9 understood, but that's fine for you to clarify it.  
10 Okay. I have no further questions,  
11 unless I've opened anything up for anyone else?

12 MR. SHAY: Nothing further.

13 MR. GOLDSTEIN: I have nothing else.

14 JUDGE MORAN: Okay. Then let's break for  
15 lunch. And then -- where are we at?

16 Mr. Shay, have you had an opportunity  
17 to cross-examine Ms. Weatherall? Yes.

18 MR. SHAY: Yes.

19 MR. GOLDSTEIN: I -- before we break for lunch,  
20 just for the record, I want to move into evidence --  
21 JUDGE MORAN: Oh, the exhibits.

22 MR. GOLDSTEIN: -- Respondent's 1 through 5.

1 JUDGE MORAN: With 5 being amended to

2 include --

3 MR. GOLDSTEIN: The three pages that Mr. Shay  
4 provided.

5 JUDGE MORAN: Okay.

6 MR. SHAY: I have no objection. I'll just ask  
7 that -- I'm not confident I've got all the right  
8 pages for all the exhibits.

9 MR. GOLDSTEIN: Well, we'll go through that and  
10 see.

11 JUDGE MORAN: Okay. You can go through that  
12 after lunch and before we start up again and make  
13 sure.

14 There being no objection to  
15 Respondent's Exhibits 1 through 5 and 5 being  
16 amended, those are admitted into the record.

17 (Whereupon, Respondent's Exhibit  
18 Nos. 1 through 5 were admitted  
19 into evidence.)

20 JUDGE MORAN: Okay. And then how long does  
21 everybody want to break? An hour, is that good?

22 MR. GOLDSTEIN: That's a little long, Judge.

1 JUDGE MORAN: Mr. Shay?

2 MR. SHAY: 45 minutes.

3 MR. GOLDSTEIN: Yeah.

4 MR. SHAY: I don't care.

5 JUDGE MORAN: 45 minutes. Okay. So about

6 1:50, am I right?

7 Make it 1:50 just to be sure.

8 (Whereupon, a lunch break was

9 had.)

10 MR. GOLDSTEIN: We've attached -- I don't know

11 what happened.

12 JUDGE MORAN: That's already been done or it

13 should have been done, the extra sheets --

14 MR. GOLDSTEIN: They were all right over there

15 and I don't know what happened when I went to walk

16 out of the room here to get a stapler. I just have

17 no clue.

18 MR. SHAY: I thought you were going to let

19 Ms. Daniels go back to work.

20 MR. GOLDSTEIN: I want to, but she's got to

21 testify in the next case.

22 MR. SHAY: Oh. I'm sorry.

1 JUDGE MORAN: Well, is there any further  
2 evidence for this matter that's exclusive to this  
3 matter?

4 MR. GOLDSTEIN: I have one other statement I'd  
5 like to make for the record.

6 JUDGE MORAN: Okay.

7 MR. GOLDSTEIN: It seems to us and we didn't  
8 realize it until -- we didn't realize this until this  
9 morning --

10 JUDGE MORAN: Mm-hmm.

11 MR. GOLDSTEIN: -- that there seems to be an  
12 issue with respect to the fact that there were so  
13 many estimated bills, and the fact that, you know,  
14 the meter readers were not reading the meters the way  
15 they should.

16 What we're going to try to do -- and I  
17 can't promise that we can actually do it -- is we're  
18 going to try to go back to get the meter reader  
19 records and see if there are meter reader records of  
20 attempts at reading the meter for the periods of time  
21 that are in dispute in this matter.

22 If there are, I would like to have it

1     marked -- if we could have it -- and I don't know  
2     that we do -- I'd like to have that marked as a  
3     late-filed exhibit and that it be admitted into  
4     evidence.

5                     I would point out to your Honor that  
6     if, in fact, meter readers are falsifying those kinds  
7     of records, they are subject to dismissal by the  
8     company.

9                     So I would think that they would be  
10    accurate.

11            JUDGE MORAN:   Okay.   And I assume that if --  
12    Mr. Goldstein, if you're proposing that we hold the  
13    record open until you do that, then Mr. Shay would  
14    have a right, obviously, to question on that  
15    evidence.

16            MR. GOLDSTEIN:   Absolutely.

17            JUDGE MORAN:   Okay.   So I'm not marking the  
18    record heard and taken, that's the long and the short  
19    of it.

20            MR. SHAY:   Okay.   Yeah, I don't know what other  
21    choice you have.

22            JUDGE MORAN:   Okay.

1           MR. SHAY: Depending on what it is, we may or  
2 may not need to have --  
3           JUDGE MORAN: Right.  
4           MR. SHAY: -- a chance to ask questions about  
5 it.  
6           JUDGE MORAN: Right.  
7           MR. SHAY: And that's fair.  
8           JUDGE MORAN: And you may be able to even do it  
9 by data requests or some other way.  
10          MR. SHAY: Affidavits?  
11          JUDGE MORAN: Yes. That's always -- we never  
12 know until the evidence actually comes in.  
13                   Are we finished with respect to  
14 that -- to at least this portion of the hearing on  
15 Docket 0023.  
16          MR. SHAY: Well, I thought these two extra  
17 bills from the summer of '05 were going to be --  
18          JUDGE MORAN: They've already been admitted.  
19 So --  
20          MR. GOLDSTEIN: Yeah, we're trying to get --  
21          JUDGE MORAN: -- you better find them and  
22 staple them to everybody's copies, but don't do that

1       now.

2               MR. GOLDSTEIN:   Thank you.

3               JUDGE MORAN:   Okay.   Put that aside because

4       we're not going to get anywhere.

5               MR. SHAY:   Well, I haven't really looked at

6       those closely.   I gave them to you without having

7       really examined them.   I just identified them.   I'm

8       sorry.

9               JUDGE MORAN:   Well, do we have at least one

10      copy of it.

11              MS. ZENETRA WEATHERALL:   Yes.   Yes.

12              MR. SHAY:   It seems like back in the paper days

13      we had less paper than we do today.

14              MR. GOLDSTEIN:   A lot of trees are dying for

15      this case.

16              MR. SHAY:   Yeah, I need to...

17              JUDGE MORAN:   You need to ask a few questions

18      about that?

19              MR. SHAY:   Yeah --

20              JUDGE MORAN:   That's fine.

21              MR. SHAY:   -- just very few.

22              JUDGE MORAN:   Absolutely.   Let's just wait

1     until Mr. Goldstein comes back into the room.

2             MR. GOLDSTEIN:   Is it clear on the record,  
3     Judge, that we're not certain we're going to get the  
4     meter reader records?

5             MR. SHAY:   Yeah, it was clear to me.

6             MR. GOLDSTEIN:   And if I can't get them within  
7     the next couple of weeks, I'll so inform you.

8             JUDGE MORAN:   And then I'll mark the record  
9     heard and taken.

10            MR. GOLDSTEIN:   Okay.

11            JUDGE MORAN:   That is exactly my plan.

12            MR. GOLDSTEIN:   Okay.   Thanks.   Because I  
13     wanted to make that clear.

14            JUDGE MORAN:   But I'm not marking it heard and  
15     taken today is what I'm saying because --

16            MR. GOLDSTEIN:   We're not in the meter  
17     department.   So we know such record exists, we don't  
18     know how far back they go and so on and so forth.  
19     And whether -- you know, what I'm saying?   So we  
20     don't know that there are actual records that pertain  
21     to this property.   So we're going to take a shot at  
22     looking at them.

1           MR. SHAY:  And then the other on-the-record  
2   data requests --  
3           MR. GOLDSTEIN:  Yeah.  
4           MR. SHAY:  -- do you agree that can be admitted  
5   into evidence?  
6           MR. GOLDSTEIN:  Yes, we're going to  
7   automatically admit that into evidence, Judge.  
8           JUDGE MORAN:  Okay.  
9           MR. GOLDSTEIN:  We know that exists.  It's just  
10   not, again, part of the billing department.  And  
11   we'll search it out.  
12          JUDGE MORAN:  It will still be marked as a  
13   late-filed exhibit.  
14          MR. GOLDSTEIN:  We'll search it out and provide  
15   it to Mr. Shay and to you.  
16          JUDGE MORAN:  Yes.  Okay.  
17                       All right.  We will continue -- oh,  
18   no.  I believe Mr. Shay has a few questions on  
19   Respondent's Exhibit 5.  
20          MR. GOLDSTEIN:  All right.  
21          MR. SHAY:  Thank you.  
22

1                               ZENETRA WEATHERALL,  
2       called as a witness herein, having been previously  
3       duly sworn, was examined and testified as follows:

4                               REDIRECT EXAMINATION

5                               BY

6                               MR. SHAY:

7               Q       Ms. Weatherall, I understand that  
8       Respondent's Exhibit 5 has had what appears to be  
9       three extra pages added to it; is that correct?

10              A       Mm-hmm. Yes.

11             Q       Okay. And is it correct that one of the  
12       pages is -- represents a copy of a bill, Peoples  
13       Energy to the Complainant dated June 16th, 2005?

14              A       Correct.

15             Q       Okay. And what is the amount due?

16              A       The total amount due is \$14,590.01.

17             Q       Okay. And then Pages 2 and 3 appear to --  
18       well, let me just take Page 2.

19                           Did you number these? I'm sorry.

20              A       No.

21             Q       Okay. On Page 2 would be July 18th, 2005?

22              A       Yes.

1           MR. SHAY: I'm sorry, we should number these.

2                       We have -- first Exhibit No. 5 was  
3 just one page, correct?

4           MR. GOLDSTEIN: Correct.

5           JUDGE MORAN: Yes.

6           MR. SHAY: So I suggest we number these 2, 3  
7 and 4.

8           MR. GOLDSTEIN: That's fine.

9           JUDGE MORAN: So the June 16th bill is 2 of 4,  
10 and the July 18th, 2005 bill which also has a copy of  
11 a check on the side would be 3 of 4.

12          MR. SHAY: Okay.

13          JUDGE MORAN: And then this bill from 4/16th,  
14 that also has a copy of a check, would be 4 of 4.

15          MR. GOLDSTEIN: Okay.

16 BY MR. SHAY:

17           Q All right. Referring to Page 3 of  
18 Exhibit 5, the bill dated July 18th.

19                       Do you have that?

20           A Yes.

21           Q What amounts are shown on this bill?

22           A It reflects a previous balance owed under

1 the activity since last bill of \$14,090.01. A  
2 payment was received in the amount of \$13,316. The  
3 late payment charge being applied in the amount of  
4 214.11 bringing the amount due to \$1,480.12.

5 Q And then on the side, the right side of  
6 this Page 3, there's a copy of what appears to be a  
7 check in the amount of \$1,488.12; is that correct?

8 A Correct.

9 Q And who is -- who is the recipient or payee  
10 of the check? Can you tell?

11 A It looks like Laura Braxton.

12 Q Okay. Is she the payee or is she the  
13 remitter?

14 A It looks like she's the remitter.

15 Q Okay. And whose name is in the blank after  
16 "pay to the order of"?

17 A Peoples Gas.

18 MR. SHAY: It's a little faint, but could we  
19 stipulate that it is Peoples Gas?

20 MR. GOLDSTEIN: Sure.

21 MR. SHAY: Okay.

22

1 BY MR. SHAY:

2 Q Do you see a date on this check?

3 A Yes.

4 Q And what is that?

5 A July 25th, 2005.

6 Q Okay. And going to Page 4 of Exhibit 5,  
7 can you describe what this shows.

8 A This is a disconnection notice, which is  
9 issued April 16th, '05, for the amount of \$13,119.49.

10 Q Is that 49? Okay. Yeah.

11 And what's shown on the bottom of this  
12 Page 4?

13 A I've never seen -- I don't process payment,  
14 so I'm assuming this is a payment that A Little Bit  
15 of Heaven would have sent to Peoples Energy.

16 Q And in what amount?

17 A \$13,316 on July 1st, 2005.

18 Q July the 1st?

19 A Correct.

20 Q Do you know when service was reconnected to  
21 this account following this payment?

22 A Service was reconnected July 28th, 2005.

1           Q     Do you know why there was such a gap in  
2     time, approximately 28 days, between the date of the  
3     \$13,000 check and the date of reconnection?

4                     If you don't know, that's fine.

5           A     No, I don't know.

6           Q     Do you happen to know why the check was in  
7     the amount of \$13,316?

8           A     Because that was the amount that was owed  
9     to the account at that time.

10          Q     Well, it looks like on Page 2 the amount  
11     was higher than that, or am I mistaken?

12          A     Correct. So this bill was issued as of --  
13     so that's what was owed at that time when the  
14     disconnect was issued.

15                     So two months later, that's what was  
16     owed. So, of course, the amount increased. This  
17     bill on Page 2 was issued on the 16th, the payment  
18     wasn't received until the 1st. So, of course, the  
19     payment would not reflect until the next billing  
20     cycle.

21          Q     I'm just trying to reconcile the amounts --

22          A     Right.

1 Q -- the difference.

2 A Right. On Page 2 the bill is issued on the  
3 16th of June, 2005.

4 Q Right.

5 A The check wasn't drawn -- or they didn't  
6 pick up the refund -- or the cashier's check until  
7 the 1st.

8 Q Mm-hmm.

9 A So that payment is reflected on the next  
10 billing cycle --

11 Q Correct.

12 A July the 18th. It says, Thank you for your  
13 payment of \$13,316.

14 Q I was just wondering if you knew --  
15 happened to know why a check for less than the full  
16 amount owed was paid?

17 I wouldn't necessarily expect you to  
18 know that, but just in case you do.

19 A It looks like also another payment was paid  
20 made on Page 3 with a money order for 1488.12, which  
21 was an additional payment. So 13 -- it comes out to  
22 about 14 -- I don't know the exact amount.

1                   So if you add those two payments  
2 together...

3           Q     Right. Ms. Weatherall, do you happen to  
4 know when there's an amount due like this that's past  
5 due, \$14,590.01, what the company's policy is on how  
6 much payment is required, how that total amount is  
7 due in order to get service reestablished?

8           A     Any time service is disconnected for  
9 nonpayment, in order to reconnect service, the full  
10 amount of the bill owed for gas and late payment  
11 charges has to be paid up front. And normally  
12 there's also a security deposit, usually a third of  
13 that is required up front. So in order to reconnect  
14 service, the bill has been paid in full.

15          Q     Okay.

16          JUDGE MORAN: Let me ask a question about that.

17                   FURTHER EXAMINATION (CONT'D)

18                   BY

19                   JUDGE MORAN:

20          Q     Is it the amount of money that drives the  
21 disconnection --

22          A     Yes.

1           Q     -- or is it the number of months where no  
2     payment has been made?

3           A     Both.

4           Q     Okay. Can you explain that.

5           A     If -- I'm not an expert in the collection  
6     department area, so I'm only just giving you what  
7     I've known, you know, in my time with the company.

8                     I would say anything over a thousand  
9     dollars, collection activity picks up a little bit  
10    sooner. So let's just say, you know, maybe within  
11    two months a disconnection notice, they would issue a  
12    disconnection notice immediately. And, at that  
13    point, if service -- I mean, if that amount isn't  
14    paid in full, of course, service is shut off for, you  
15    know, no payments.

16                    As far as the amounts, like I said,  
17    I'm really not an expert to really speak to you how  
18    that -- you know, the difference between the two.

19           Q     I understand. Maybe another case will give  
20    the definitive answer on that.

21

22

1 REDIRECT EXAMINATION (CONT'D)

2 BY

3 MR. SHAY:

4 Q Ms. Weatherall, do you happen to recall --  
5 or do you know the date that service was disconnected  
6 for nonpayment on this account?

7 A I believe it was May 5th, 2005.

8 Q Okay. Ms. Weatherall, can you tell us at  
9 the time on the date that service was disconnected  
10 what the total amount owed was?

11 A Okay. Service was disconnected on the  
12 5th -- May 5th, 2005. At that time, a balance was  
13 owed of \$13,632.49.

14 Q Did you say 13,632.49?

15 A Correct. I'm looking at the transaction  
16 history on Exhibit No. 1.

17 Q Mm-hmm. And that amount you just stated,  
18 is that from the line dated May 4th, 2005?

19 A Correct.

20 Q Was May 4th the date before -- one day  
21 before?

22 A Yeah, it looks like a payment came in one

1 day before of a thousand dollars.

2 Q A payment of a thousand dollars was made  
3 the day before disconnection?

4 A Correct.

5 Q And then what is that amount entered on  
6 May 5th, 2005, again on the same Exhibit 1?

7 A Which line are you referring to?

8 Q The \$315.67.

9 A The transfer would be a -- the deposit and  
10 interest would be applied back to the account. If  
11 there's a security deposit on file and it's been  
12 paid, once the account goes final, it either is  
13 refunded back to the customer if there's a zero  
14 balance. If there's an amount owed, that amount is  
15 applied towards the outstanding balance owed. So  
16 that would be the deposit and interest.

17 Q Is it fair to say then that after the  
18 service was disconnected and then on the same day  
19 that this \$300-some odd transfer was made, that the  
20 account balance was \$13,316.82?

21 A Correct.

22 Q And is that the amount that needed to be

1     paid in order for service to be reestablished?

2             A     I would say no because if they're after --  
3     if no payment is received and the account isn't paid  
4     in full, we continue to assess late payment charges.  
5     So, no, that would not be a correct amount.  If it's  
6     not paid at that point in time when that bill is  
7     issued, there's certain late payment charges that  
8     accrue.  So they would actually have to call and get  
9     a quote.  So it depends on what day they called as to  
10    what would be owed.

11            Q     All right.  Let's keep going up further up  
12    on that page on Exhibit 1, the entry 5/19/2005.  The  
13    amount is \$1,062.39.

14            A     Okay.

15            Q     Do you know what that represents?

16            JUDGE MORAN:  What's the amount, Mr. Shay,  
17    again?

18            MR. SHAY:  \$1,062.32.

19            THE WITNESS:  You mean it's for --

20            JUDGE MORAN:  I have it.

21            MR. SHAY:  You got it?

22            JUDGE MORAN:  Mm-hmm.

1           THE WITNESS:  It's for a bill, but I can't tell  
2   you if it's a combination -- I'm assuming it's a  
3   combination of a bill and late payment charges.  So  
4   whatever was owed for gas and late payment charges.

5                       Just keep in mind that the account --  
6   once -- we shut off the gas on the 5th, so the  
7   account goes final.  So that next bill, I'm assuming,  
8   would have been the final gas bill.  And then the  
9   next bill after that for the June 17th, would have  
10  been late payment charges.

11  BY MR. SHAY:

12           Q     Okay.

13           A     Because if you take a look at No. 2 of 4  
14  under the activity since the last bill, it reflects  
15  the late payment charge of 216.60.

16                       So that's what that is.  The 21608 --  
17  yeah, 216- -- 216.80 -- yeah, 216.80.  And then the  
18  bill prior to that would have been -- I'm assuming  
19  that would be the final May 1st for the 1062.39.

20           Q     Okay.

21           MR. SHAY:  Okay.  I have nothing further.

22           JUDGE MORAN:  Any --

1           MR. GOLDSTEIN:  No questions.

2           JUDGE MORAN:  Okay.  All right.  Then that's

3   all the witnesses that are testifying today.

4                       We're going to continue this matter to

5   a date in November.

6           MR. SHAY:  I'm sorry, Judge, based on this --

7   the subsequent items we just discussed and put in

8   evidence, I would ask for a request -- permission to

9   ask just a couple more questions of one of our

10   witnesses.

11          JUDGE MORAN:  Okay.  Go ahead.

12          MR. SHAY:  Okay.  And that would be

13   Ms. Braxton -- Ms. Laura Braxton.

14          JUDGE MORAN:  Mm-hmm.  That's fine.

15                       You're still under oath.

16                       LAURA BRAXTON,

17   called as a witness herein, having been previously

18   duly sworn, was examined and testified as follows:

19                       DIRECT EXAMINATION (CONT'D)

20                       BY

21                       MR. SHAY:

22          Q     Ms. Braxton, I'd like to refer you to

1     what's been marked as Respondent's Exhibit No. 5,  
2     Page 4 and ask you to identify what's at the bottom  
3     of that page?

4             A     The amount of moneys on the cashier's check  
5     would be \$13,316.

6             Q     And that's a check from whom to whom?

7             A     It was paid to the gas company from Laura  
8     Braxton, A Little Bit of Heaven.

9             Q     Okay. What can you tell us about that  
10    check to your knowledge and recollection?

11            A     When I called to find out how much money we  
12    had to pay to have the gas restored, I was told by a  
13    rep at customer service this amount of money.

14            Q     What amount of money?

15            A     \$13,316 to have the gas restored. I paid  
16    that in a cashier's check, had planned to carry it  
17    into the office at 95th and Jeffery that same day  
18    they closed that office. So I had to mail it Western  
19    Union to be sure that they got it, you know, the next  
20    day.

21                   And the date that I was given the gas  
22    would be turned on, it wasn't. So when I called back

1 to find out why the gas wasn't turned on, I was told  
2 I needed an additional \$1400 for reconnect and a  
3 deposit.

4 MR. SHAY: All right. That's all I have.

5 JUDGE MORAN: I have just one clarifying.

6 FURTHER EXAMINATION

7 BY

8 JUDGE MORAN:

9 Q In one of these checks the remitter is  
10 Laura Braxton and another one is A Little Bit of  
11 Heaven.

12 A Yeah, that's the same --

13 Q Do you kind of use both?

14 A Right.

15 JUDGE MORAN: Okay. That's it.

16 THE WITNESS: That's at my bank and I'm able to  
17 draw on that bank.

18 JUDGE MORAN: Thank you. Let's pick a date  
19 where we can continue this and by that time any  
20 late-filed exhibits will be in and parties will  
21 decide if they need to have another hearing or  
22 whether I can close the record.

1           MR. GOLDSTEIN: Could we pick a date the week  
2 right after Thanksgiving, Judge?

3           JUDGE MORAN: Sure. I was thinking that  
4 myself.

5           MR. GOLDSTEIN: Yeah.

6           MR. SHAY: The week of the 27th?

7           MR. GOLDSTEIN: Yes.

8           MR. SHAY: Can we do it later in the week?

9           MR. GOLDSTEIN: That's fine. There's no  
10 guarantee that we're going to actually have a record,  
11 the record may be marked heard and taken.

12          MR. SHAY: Just in case, I'm scheduled to be  
13 traveling through -- Monday through Wednesday.

14          MR. GOLDSTEIN: You want to do it Friday, the  
15 1st?

16          MR. SHAY: Sure.

17          JUDGE MORAN: At what time?

18          MR. SHAY: Let's say 10:30 or after.

19          MR. GOLDSTEIN: That's fine.

20          JUDGE MORAN: Okay. Very good. All right.

21                    So with that, this case is continued  
22 to December 1st, 2006, at the hour of 10:30 a.m.

1 (Whereupon, the above-entitled  
2 matter was continued to  
3 December 1st, 2006, at 10:30  
4 a.m.)  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22